

**TOWNSHIP OF ROBBINSVILLE ZONING BOARD OF ADJUSTMENT MEETING  
TOWNSHIP OF ROBBINSVILLE, MERCER COUNTY, NJ  
WEDNESDAY, JUNE 4, 2008 7:30 P.M.**

**MINUTES**

**Present:** *Chair Perhacs, Mr. Gibeault, Ms. Carbone, Mr. Kirkpatrick, Mr. Siekerka, Mr. Kreig, Mr. Lynch*

**Absent:** *Mr. Bihl, Mr. Griffin*

Also Present: *Mr. West, Township Engineer; Ms. Rachel Doobrajh, Esq. (filling in for Board Attorney); Ms. Kooper, Planning Consultant; Ms. Post, Board Secretary; and 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 sent to the *Times of Trenton*, *Trentonian* and the *Messenger Press* and posted in the Municipal Building Public notice meeting bulletin board.”**

**Correspondence**

There was no correspondence.

**Public Comment**

Betty Alfano, a resident from the Mobile Home Park, came forward and thanked Mr. West for all of his hard work regarding the Mobile Home Park. She mentioned that trees are falling down and one woman fell on the curb. Pictures were shown to the Board. The sewer lines are backed up daily. Mr. Kaufman only replaced the newer lines. The older lines in the park were not completed. The residents are concerned because they only have one bathroom in their home. Mr. Kaufman said the residents are responsible for the sidewalks, curbs and patios, which were all pre-existing before the residents moved in. The residents feel that the burden of replacement should not be on them. They need help. In the past, Mr. Kaufman fixed patios, etc. A Community Statement was passed out to the Board in which it stated that Mr. Kaufman is responsible for the sidewalk situation.

Mr. West replied that the condition outlined in the resolution stated that Mr. Kaufman (Mobile Homes) had to do the TV inspection of the sewer lines and repair as necessary. He only completed a fraction of the TV inspection (over a month ago). Therefore, Mr. Kaufman has not met any conditions of his approval, and, therefore, cannot go forward to perfect the subdivision. All of the conditions previously outlined were not met and will be upheld because it was a written resolution.

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**Board Comments**

Chair Perhacs indicated that a date and time needed to be chosen for the Reorganization meeting in July. The date will be July 2, 2008 at 7:30 p.m. for the Zoning Board at the Senior Center.

**Master Plan Subcommittee Update**

Chair Perhacs and Mr. Gibeault attended the second meeting of the Master Plan Subcommittee. Discussion focused on defining the two properties, which are gateways (Tamarro parcel on Route 130 and Wittenborn site). The thought was to not rezone the Tamarro parcel, but to leave it zoned as Town Center. As to the Wittenborn site, they want to create a corridor and craft language that restricts the size of the building, architectural design and view shed area. Part of this property is within the sewer system which is set by DEP (rest on septic or apply to the State for a credit). There was not a full subcommittee present this evening. Ms. Kooper and Mr. West will put together some language for the Master Plan update for the Master Plan Subcommittee, and then give it to both Boards for clarification. Ultimately, it is the Planning Board who will recommend it to Council, who has the last say on the Master Plan update or changes. Zoning Board can attend the meeting if they so desire as long as there is no quorum.

**Minutes**

*April 14, 2008* – No comments were given, therefore, Mr. Gibeault made a motion to approve the minutes as read. Mr. Kirkpatrick seconded the motion. All in favor except for Mr. Kreig, who abstained because he was not present at the meeting.

**Business to Discuss****Resolutions**

*ZB2008-04 – Frank Matteo – Approval of a Use Variance and Waiver of Site Plan.* Chair Perhacs had recused himself from this application. There were no Board comments. Therefore, Mr. Kirkpatrick made a motion to adopt Resolution ZB2008-04 – Frank Matteo and Mr. Gibeault seconded the motion.

**ROLL CALL:**

AYES: Gibeault, Kirkpatrick, Kreig, and Siekerka

NAYS: None

There being four (4) “AYE” votes, Resolution ZB2008-04 – Frank Matteo was adopted.

*ZB2008-05 – Veterinary Surgical & Diagnostic Specialists, LLC – Approval of a Use Variance, Preliminary/Final Site Plan and Bulk Variances.* Mr. Siekerka indicated that there were minor corrections on Page 9, under conditions, 18B. The last sentence should read “amended application to the Board” (the word Board is missing). Item D, “screen plantings of dense evergreen material not less than five feet” (not fees). A motion was made to adopt ZB2008-05 – Veterinary Surgical & Diagnostic Specialists, LLC by Mr. Siekerka with the above-noted changes and seconded by Mr. Gibeault.

## ROLL CALL:

AYES: Kirkpatrick, Gibeault, Krieg, Siekerka and Perhacs

NAYS: None

There being five (5) "AYE" votes, Resolution ZB2008-05 – Veterinary Surgical & Diagnostic Specialists, LLC was adopted.

***Application ZB07-10-02-Washington Lodging Realty, LLC******Staybridge Suites Hotel******Block 38.01, Lt 15******Robbinsville Allentown Road at West Manor Way******Zoning: PCD******Public Hearing for D-4 Variance, Bulk Variances & Preliminary Site Plan (Carried from 05/07/08 Meeting)***

The applicant is requesting approval to construct a four-story, 19,600 + square foot hotel, and a 6,375 square foot restaurant on a 4.92 acre site. The Zoning Board took jurisdiction on this application on 05/07/08. **Deadline for taking action: 7/15/08.**

Henry Kent-Smith, Esq., from the firm of Buchanan Ingersoll Rooney PC represented the applicant in the above matter. The application was for a Staybridge Suites Hotel with a restaurant. The veterinary hospital and the hotel application will interact. The applicant is seeking a four-ratio variance relief in addition to associated bulk variances. The applicant is proposing to develop the property in two phases. Phase I – Staybridge Suites Hotel; Phase II – freestanding restaurant with a liquor license (no current tenant).

Witnesses who appeared: Stephen Atkins, P.E. from Kenderian Zilinski Associates, PA; Gregory Gill, Project Architect; John Rea, Traffic Engineer from McDonough & Rea Associates, Inc.; and Christine Cofone, Professional Planner. All of the afore-mentioned witnesses, Mr. West and Ms. Kooper were sworn in by Ms. Doobrajh.

Mr. Atkins cited his credentials and was accepted as an expert witness by the Board. Mr. Atkins testified that he is the engineer, who is responsible for the project. **Exhibit A-1 Colored Rendering of the Site Plan** and **Exhibit A-2 Plan Showing the Property and Turnpike Taking (Scope of Improvements)** were marked into evidence (the Turnpike provided Exhibit A-2). The Turnpike is going to take the majority of the property, 22 acres, and leave approximately 5½ acres on the easterly side of the property. The Turnpike has indicated that they will construct the proposed elevated on-ramp. As part of this proposal, the applicant is proposing a minor subdivision to add ½ acre to the adjacent property, which was approved for the veterinary hospital. The balance of the property consisting of 5 acres is proposed for the 136-room hotel and the 6,300 s.f. restaurant. The site is between Robbinsville-Allentown Road, County Road 526, 1-95 and the turnpike is approximately 1,000 ft. away. The on-ramp for 1-95 passes to the east and south of the proposed veterinary hospital.

There will be a combined access drive between both developments up to the intersection of West Manor Way. A driveway will come into that intersection and split. Two egresses were proposed. A straight ahead and left turn option with egressing from the property and a right turn option.

Design waiver – parking area exceeds the 40% lot area required by ordinance. The applicant proposed 46%.

Variations and Waivers:

- The proposed lot size for the hotel is 4.92 acres; the ordinance requires 7 acres.
- The proposed impervious coverage is 67.3%; the ordinance requires 50%.
- The floor area ratio proposed is 50.7%; the ordinance requires 30%.
- The side and rear yard setbacks for parking are proposed to be 5 ft., 7 ft. and 4 ft.; the ordinance requires a minimum setback of 20 ft.
- The front yard setback for parking is proposed to be 5 ft.; the ordinance requires a minimum setback of 40 ft.
- Two freestanding signs are proposed: a monument sign and a second sign to be located at the southerly side because signage for the hotel needs to be visible from the turnpike. The ordinance allows one sign for a hotel. A variance will be required.
- The proposed heights of the two signs are 50 ft. and 8 ft. 6 inches. The ordinance limits the height to a maximum of 6 ft. A variance is required.
- The monument sign is proposed to be setback 10 feet whereas the ordinance requires a minimum setback of 35 ft. A variance is required.
- The applicant is proposing sign areas of 85, 85 and 167 square feet whereas the ordinance says that a freestanding sign shall not exceed an area equivalent to 5% of the front façade of the building or 75 square feet, whichever is smaller and having a vertical dimension in excess of five ft. A 75 square foot sign is the maximum permitted. A variance is required.
- The applicant is proposing 1 loading space for the restaurant. The minimum number of loading spaces for the restaurant is two per ordinance. A waiver will be required.
- The applicant is proposing a loading area of 9' x 50', which will be located on the westerly side of the restaurant building; the ordinance requires a minimum size of 14' x 60' for the loading area.

There will be a driveway intersection on West Manor Way with multiple signals and striping consisting of a 200 front driveway. The site will have two-way movements. An emergency access will be provided. No large trucks will visit the hotel site. Trash enclosure will be provided. The site is devoid of trees. A detention basin with recharge capability will be located in the south west corner of the site. The applicant does meet DEP storm water regulations and they do have a soils report to support the location. There will be parking located along the entire perimeter of the hotel and around the restaurant area. Total parking spaces provided will be 227 spaces. One hundred and forty-seven of the spaces will be provided in the hotel area and 87 parking spaces will be provided in the area of the restaurant. The parking is adequate for each of the two uses. The applicant stated that they lost 20 spaces due to the relocation of the driveway.

There will be 35 lighting fixtures. The ordinance permits a maximum height of freestanding lights to be a maximum of 24 feet and spaced a distance not to exceed four times the mounting height. Located throughout the site will be 2.6 footcandles.

The landscaping was designed per Township ordinance standards. Five species of trees and plantings will be planted on site (evergreen, deciduous ornamental trees, shrubs, perennial flowers and grass).

A combined sanitary sewer pump station is proposed with the adjacent veterinary hospital. The pump station will be located within the applicant's site and will be approved by Mr. West. The pump station would be a private facility and would be carried along West Manor Way and tied into an existing manhole and would be 80 feet in distance from the intersection of West Manor Way and Route 526. The pump station will take care of flow from both facilities. Fire protection and emergency access will be sufficient for full circulation for the emergency vehicles for the hotel, restaurant and Veterinary hospital. Trash enclosures are located for easy access for the sanitation trucks. There will be passive and active recreation areas in the green area located to the southwest corner of the building (swimming pool and a sport court).

**Exhibit A-3 - View Port of Plans** was marked into evidence (previously submitted). This configuration of the plan resulted from an extensive meeting with the County. The lanes will be widened in front of the property and there will be an addition of a left turn lane for west bound traffic into the site. Red shows limit of paving. Purple shows improvements. There will be widening in front of the hospital. The area is to be restriped. **Exhibit A-4 – Computer Generated 3D Rendering** was marked into evidence. This exhibit showed the vertical and horizontal distance between the building and the Turnpike and the 50 ft. proposed sign located to the right hand side of the building. Mr. Atkins said that the elevated ramp (turnpike) affects the visibility of the site. The elevation shows what the ramp height has to be. The site height and sign area are a fair proposal. Exhibit A-4 predicts the visibility of traffic on the turnpike. **Exhibit A-5 – Schematic 3D Computer Generated Rendering** (signs proposed). View from Route 526 looking from a southerly direction. **Exhibit A-6 – Proposed Improvement at Interchange 7A** was marked into evidence.

Mr. Kreig noted that the reason for the variance for the sign is to attract guests traveling on the turnpike and I-95. He feels that tractor trailers trucks will be using the parking facility. He asked how the parking design would work.

Mr. Atkins said the site is not equipped to handle trailer truck parking. There is no opportunity for larger vehicles such as someone towing a boat or multi axle trucks. He deferred to Carey Tajfel (applicant) for an explanation.

Mr. Tajfel said he operates numerous hotels. This hotel is not designed to have tractor parking on the premises. He has the ability to tell people not to park here. This hotel is more upscale. He mentioned that the hotel will have one and two bedroom suites.

Mr. Kreig questioned the relief sought for the variances and waivers. If the subdivision relief is not requested (.4 acres to the veterinary hospital), that area would be available for use in the hotel application, and the variances and waivers would no longer be necessary if that .4 acres were to remain as part of the hotel complex. The applicant responded that Mr. Kreig was correct in his assessment. The subdivision does increase the variance situation.

Mr. West addressed the cubic fill issue. Additional fill will be proved in the southerly portion of the site to balance the site. Fill will be imported. The total will be significantly larger than 500 cubic yards. Robbinsville-Allentown Road will be elevated substantially to go up over the new on-ramp going over the turnpike, and Route 526 will be raised approximately 12-13 feet. The

restaurant is adjacent to Route 526. The drainage for the hotel/restaurant and veterinary hospital will drain southward. The site will be built under the existing conditions, and if Route 526 is elevated, the site will still work without having to knock down the restaurant/hotel per Mr. West. Per the applicant, the hotel could be built without the restaurant and the area would remain open.

The applicant is seeking preliminary/final on the hotel and preliminary only on the restaurant. Phase I includes the access driveway, all the circulation elements around the hotel and the northern portion of aisle between the restaurant and hotel would be installed, but everything within the parking and building and all improvements within the vicinity of the site for the restaurant use would not be constructed. Mr. West said that the afore-mentioned area would be a grass-seeded area.

Mr. West requested that the applicant provide a separate plan showing Phase I. The applicant agrees with the conditions outlined in Mr. West and Ms. Kooper's memorandums. One issue arose in Roberts & Reymann's memorandum, which is a recommendation that the pump station be municipally owned. Mr. West prefers that it be a private pump station shared between the two uses. Block 40, Lot 1 (across the street) has an existing single-family home on the site and is for sale.

Gregory Gill, Project Architect, residing in South Carolina, gave his credentials to the Board. **Exhibit A-7 – Hotel Architectures** was marked into evidence. The building will be four stories with 136 suites. There will be an indoor pool, continental breakfast area, pantry, sport's floor, pavilion, fitness, and centerboard room. The roof will be pitched and there will be 3 stairwells. The design of the hotel will have a cultured stone and the rest of the building was described to the Board (earth tone color scheme). There will be a small kitchen area to serve continental breakfast. The hotel cannot accommodate large gatherings such as weddings, etc.

Mr. Rea, Traffic Engineer, cited his credentials to the Board. Mr. Rea conducted a traffic study to see how much traffic would be generated for the hotel, restaurant and veterinary hospital. He also looked at the sports facility (previously approved on Route 526), proposed hotel and warehouse park. A future traffic volume for the intersection would be at Level "C" in the p.m. peak hours. The intersection consists of a two-lane approach on Route 526 and a two-lane approach on West Manor Way. The applicant is proposing a widening (600/700 linear feet) along the south side of Route 526 for the hotel and veterinary properties resulting in a three lane approach west and east bound through the intersection. A southbound turn will be sought on West Manor Way. Cross access will be provided between the two sites, which will provide for all access to the traffic signal from all of the uses. The amount of parking proposed meets the ordinance requirements and exceeds the parking requirement by 11 spaces. The veterinary hospital requires 90 parking spaces and over 100 spaces are being proposed.

The emergency vehicles will enter the site from a signalized intersection and proceed to or around the hotel or restaurant. The applicant met with the fire officials and received their approval. Level "C" time is 25 seconds.

At 9:20 p.m. there was a power outage and the Board took a recess.

At 9:35 p.m. there was still a power outage.

A brief announcement was made regarding the reorganization meeting, which would be held at the Senior Center at 7:30 p.m. on July 2, 2008.

Due to the power outage, this application will be carried and the application will legally renotice. The applicant granted an extension until August 31, 2008 for the Board to take action on this application.

The applicant stated that due to the fact that Mr. Gill (Architect) presented his testimony, he will not be returning because he resides in South Carolina.

The applicant will be back before the Board for preliminary only on the entire site and for final for the hotel application. Mr. West indicated that he needs a breakdown of the phases.

At 9:40 p.m., Mr. Kreig made a motion to adjourn the meeting which was seconded by Mr. Lynch. All in favor. Meeting adjourned.

Respectfully submitted,

Phyllis Persicketti  
Recording Secretary

**ADOPTED: AUGUST 5, 2008**