

ROBBINSVILLE TOWNSHIP PLANNING BOARD MEETING  
ROBBINSVILLE TOWNSHIP, MERCER COUNTY, NJ  
WEDNESDAY, JULY 20, 2011 7:00 P.M. – SENIOR CENTER  
MINUTES

**Present:** Chairman Cettina, Mr. Kolibas, Mr. Archer, Mrs. Van Nest, Ms. Breyta, Mr. Harris,  
Mr. Levesque, Mrs. Goodwine, Mr. Barker

**Absent:** Mr. Rivers, Mr. Guididas

**Also Present:** Mr. McGough, Township Engineer; Mr. Dasti, Esq., Board Attorney; Ms. Kooper,  
Planning Consultant; Mr. Citerone, Engineering Consultant; Ms. Bell, Administrative  
Officer; Ms. Post, Board Secretary

**ROLL CALL**

The meeting was called to order by Chairman Cettina. Roll call for the above members was called.

**SUNSHINE STATEMENT**

Chairman Cettina read the following statement: "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*, *Messenger Press* and the *Trentonian* and posted on the Municipal Building Public Notice Meeting Bulletin Board."

**FLAG SALUTE**

The Board members present led the public in the salute to the flag.

**CORRESPONDENCE**

Chairman Cettina noted that the Board received several letters from the public regarding an item on the agenda. The Board also received minutes from the Environmental Commission.

**PUBLIC COMMENT**

Chairman Cettina asked for a motion to open the meeting to public comment. A motion was made by Ms. Breyta and seconded by Mrs. Van Nest to open the meeting to the public. All in favor.

Chairman Cettina requested that the public restrict their comments to items not listed on the agenda. There would be opportunity for the public to comment on those items when they are up for discussion.

Tom Doyle, 15 Tynemouth Court, stated that he received a notice in the mail regarding this office building being constructed. He wanted to know the purpose of this construction.

Chairman Cettina said that application will be discussed later this evening. The public will hear the information as presented and will be allowed to comment at that time.

Since there was no further comment from the public, a motion was made by Mrs. Van Nest and seconded by Mr. Archer to close the public portion of the meeting. All in favor.

**REPORT OF OFFICERS & COMMITTEES**

There were no reports at this time.

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**BOARD COMMENTS**

There were no Board comments at this time.

**MINUTES**

**July 6, 2011** – Board members eligible to vote: Mr. Kolibas, Ms. Breyta, Mr. Archer, Mrs. Van Nest, Mr. Harris, Mr. Levesque, Mrs. Goodwine, Mr. Barker and Chairman Cettina. Chairman Cettina asked if there were any comments regarding the minutes. Since there were no comments, a motion was made by Mr. Archer and seconded by Mr. Levesque to adopt the minutes. The Board members voted unanimously in favor of adopting the minutes as circulated; therefore, the motion carried.

**BUSINESS TO DISCUSS**

**Resolutions**

**PB2011-03 – Sharbell Building Company, LLC – Approval of Amended Preliminary and Final Site Plan with Variance for Phase 3B-2 for Buildings F & G**

Board members eligible to vote: Mr. Archer, Mr. Kolibas, Mrs. Van Nest, Mr. Harris and Chairman Cettina. Chairman Cettina asked for comments on the resolution. Since there were no comments, a motion was made by Mr. Harris and seconded by Mr. Kolibas to adopt the resolution.

ROLL CALL:

AYES: Archer, Kolibas, Van Nest, Harris, Cettina

NAYS: None

ABSTAINED: None

There being five (5) affirmative votes, the resolution was adopted as written.

Chairman Cettina wanted to do the three professional resolutions (listed below) together if there were no objections from the Board. Board members eligible to vote: Mr. Kolibas, Mr. Archer, Mr. Guididas, Ms. Breyta, Mrs. Van Nest, Mr. Harris, Mr. Levesque and Chairman Cettina.

**PB2011-04 – Professional Legal Services.**

**PB2011-05 – Professional Architectural Services.**

**PB2011-06 – Professional Planning, Traffic and Engineering Services.**

Since there were no comments from the Board regarding the above-referenced professional resolutions, a motion was made by Ms. Breyta and seconded by Mrs. Van Nest to adopt all three professional resolutions. The Board members voted unanimously in favor of adopting the three professional resolutions as written; therefore, the motion carried.

**Ordinance 2011-18 – Amendment to the Township Zoning Map – Review & Recommendation**

Chairman Cettina announced that he would abstain from the discussion because he lives within 200 feet of the property. At this time, Vice Chairwoman Breyta took over the meeting.

Mr. Dasti suggested that Councilman Levesque consider excusing himself from voting on this ordinance. Mr. Levesque agreed.

Vice Chairwoman Breyta stated that the above-referenced ordinance has been sent to the Planning Board for review and recommendation.

Mr. Dasti reminded the Planning Board that their obligation with this referral from the Township Council is to determine whether or not the proposed zoning ordinance is in compliance with the Master Plan. If it is or is not, they will advise the Township Council accordingly.

Vice Chairwoman Breyta asked for an explanation of the proposed zoning map.

Mr. Dasti stated that the Planning Board had a subcommittee review the entire land use ordinance from a zoning as well as a procedural standpoint. As part of this, they looked for a potential rezoning of portions of Route 130 from the Town Center (TC) Zone to the Highway Commercial (HC) Zone. The purpose of the zoning ordinance, which was adopted upon the first reading by the Township Council, was to rezone a substantial portion of Route 130 from the TC Zone to the HC Zone.

Mr. McGough said the Township Council and he have discussed the desire to have everything along Route 130 be zoned HC. The idea was to take the two TC Zones (TC-2, Special Condition B and TC-2, Special Condition F) and change it to the HC Zone. Mr. McGough introduced a blow up of the zoning map, which showed the north and south sides of Route 130. An analysis has been done as to whether it was consistent with the Master Plan. The 2007 Reexamination of the Master Plan, which was reviewed, had recommended this entire area (indicated in red on the blow up map) to be placed in the HC Zone. Subsequently, in 2009, there was another Master Plan Reexamination that focused more on the Wittenborn property and rezoning that area to Village Transition (VT). It also included this was reviewed, and the sense was that the uses provided as permitted uses in the TC-2, Special Condition F, were so similar to the HC Zone that there was no need to change this area. He thinks that Ms. Kooper and Mr. Dasti will say tonight that it would be appropriate to do the southbound side of Route 130 as a recommendation to the Township Council that it is consistent with the Master Plan, but the northbound side of Route 130 is not consistent with the Master Plan.

Mr. Dasti thinks the Board does not need to look at the northbound side. Mr. Dasti said that it would be difficult to state by looking at the 2009 Master Plan Reexamination review that the northbound side would be consistent with the Master Plan. The Planning Board may want to consider a partial recommendation that they split the zone.

Mr. McGough indicated on the map the location of the Mercer Mobile Home Park on the south side of Route 130 and what the residents know as the Tamarro site located on the north side of Route 130. He pointed out the location of the former proposed Burger King site (corner of Route 130 and Main Street), Interstate 195 (bottom), bypass, and Town Center.

Vice Chairwoman Breyta asked the zoning of where the library is. Mr. McGough said it is zoned R1.5 (residential). There are currently three homes there. About a year ago, the owners of those three homes came to the Township to ask if the Township would consider changing the zone because they were unable to see their properties. The property owners felt that if the zoning changed, it would be more in keeping with this whole piece along here. The sense was to call this the same type of use. It would be an appropriate use. However, that too was not mentioned in the reexamination report.

Ms. Kooper supported what Mr. McGough just stated to the Board.

Vice Chairwoman Breyta asked for a motion to open to public comment. A motion was made by Mr. Archer and seconded by Mrs. Goodwine to open to the public. All in favor.

Mike Graff, 15 Trellis Way, stated that he is an original Arbor Walk resident, who has resided there for twenty years. He supported keeping the north side of Route 130 as currently zoned. He liked having the buffer because the trees protect them from the highway and noises from behind there. It would certainly impact their quality of life and property values if the existing buffer was removed. He reiterated that he wants the northbound side of Route 130 to remain as is and the southbound side can change.

Mr. McGough mentioned that they received a dozen letters from residents by e-mail today. The issue with the buffer is certainly large. Special Condition F, which is the northbound side, has a 150 foot buffer. He thinks there is some misunderstanding about the buffer that would be required for Highway Commercial, which would be 110 feet and not 30 feet. The ordinance requires a fifty foot setback on the residential side and a 50 foot setback on the non-residential side plus an additional 10 foot setback for parking. Under Special Condition F, it calls for a 150 foot buffer, which includes parking. The buffer would be reduced from 150 to 110 foot. The ordinance has very detailed vegetation and screening requirements. There would still be a significant buffer there.

Vice Chairwoman Breyta asked Mr. McGough to explain about the parking in Special Condition F.

Mr. McGough read the ordinance section for TC-2, Special Condition F, "Buffer adjacent to R1.5 Zone District (includes parking and all structures): 150 feet." There is not an additional buffer for parking. The entire buffer is 150 foot and nothing can be in the buffer. For buffers, what the code reads is, "When a residential use develops and abuts or faces land in a nonresidential zone or a nonresidential use, and there is sufficient land within the nonresidential zone or upon the nonresidential property to establish a buffer of at least 50 feet in width, then the residential development shall provide a buffer with a minimum width of 50 feet. The use within the nonresidential zone shall, at the time it develops, provide the additional land and plant material or screening needed to achieve the total minimum buffer width of 100 feet along the zone boundary line". When you go to HC, it requires a 10 foot setback for rear yard setback in addition to the 100 foot. In essence, a 110 foot setback would be required (50 foot for residential, 50 foot for nonresidential and 10 foot in the rear yard).

Mr. Archer asked if you could have HC with a 150 foot buffer by making it a special condition. That was one of the concerns of the letters

Mr. McGough stated the only property in the entire Township that requires a 150 foot buffer has that special condition in Special Condition F. Everywhere else in the Township, you are required to comply with what he previously read to the Board.

Vice Chairwoman Breyta noted that on the south side where there is residential, it would be a 100 foot buffer between residential and commercial.

Mr. McGough asked Ms. Kooper how that would work on the south side where there the commercial mobile home park is located. Ms. Kooper responded that they would have to get a variance as it is a preexisting nonconforming use.

Mr. McGough said the north bound side is zoned TC-2, Special Condition F and the south bound side is zoned TC-2, Special Condition B. There used to be a used car lot there, which has closed down, but the property owner is looking to open it up again (southbound side near Mobile Home Park). We deemed that to be a preexisting nonconforming use that ended. Therefore, it could not open up again. The property owner asked what he could do there. That zone does not even allow a bank use, which was part of the impetus of wanting to look at the zoning in that area. Mercer Mobile Homes has its own zone, Mobile Home District (MH). The permitted uses on the south side under TC-2, Special Condition B, are cinema/movie theater not to exceed eight screens; open stage theater; restaurant; health club; warehouse/office building; office; office/warehouse/retail; and retail sales.

Vice Chairwoman Breyta thanked Mr. McGough for his explanation. Public comment is still open.

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Virginia King stated that she lives at 8 Tynemouth Court, which is right behind the site where Sharbell proposes some more concrete and asphalt. Whatever happened to Robbinsville?

Vice Chairwoman Breyta asked Ms. King if she was here to comment on the proposed zoning ordinance or the application on Washington Boulevard, which is next on the agenda.

Ms. King said she is interested in the site behind her where a three story building is proposed.

Vice Chairwoman Breyta said that site is for an office building on Washington Boulevard and will be discussed later in the evening. There will be an opportunity to speak on the application when it is open to the public. At this time, they are speaking about a different property on Route 130.

Vice Chairwoman Breyta noted no one else stepped forward to comment on the ordinance. A motion was made by Mr. Archer and seconded by Mr. Harris to close the public portion of the meeting. All in favor.

Vice Chairwoman Breyta asked for Board comments regarding the change.

Mr. Kolibas had no comments.

Mr. Archer said he had no problem recommending that the south side of Route 130 be zoned HC.

Mrs. Van Nest suggested relooking at the permitted uses and making some amendments to the uses. Mr. McGough had read the uses on that property. Economic development is certainly important to this Township. Maybe the Board or some other proper party should look at the uses to see if they need to be amended so that different types of businesses could be allowed in the area.

Vice Chairwoman Breyta said that if the zoning changes to HC, the list of permitted uses expands (a bank would be permitted).

Mrs. Goodwine wanted to be clear since she is a new member on the Board. Essentially, what is happening is that they are taking the south side, which is TC-2, Special Condition B, and changing it to HC. It would then encompass all of the uses and parameters of the HC Zone. Then TC-2, Special Condition B, is totally by the way side. Mr. Dasti answered that is correct.

Mrs. Goodwine had a question regarding the buffering. What does the buffering actually consist of? Is it berms? Ms. Kooper responded that it is prescribed in the ordinance. It is a mixture of evergreens, etc. The requirements are very extensive for the buffer. Vice Chairwoman Breyta stated that from reading through the correspondence from the residents, the real concern is that they would lose the existing mature buffer. Mrs. Goodwine said they are thinking a 150 feet, but there would actually be only 110 feet if it were to change to HC. How does that change the buffering situation? Mr. Dasti asked if she meant what type of buffering. Mrs. Goodwine meant that it is mature now. Mr. Dasti asked if Mrs. Goodwine's question is targeted for the northbound side. Mrs. Goodwine answered yes. Mr. McGough said that is not really germane to the notion. Vice Chairwoman Breyta said they are contemplating leaving that as Town Center so there would be no change there. The only question she has is that little piece here (pointed to map) since it is zoned R1.5. Would that piece become TC-2, Special Condition F, or would it become HC? Mr. McGough said everything on the north bound side is off the map. The Board's motion right now is that only the south bound side would be considered as a recommendation to the Township Council that it is consistent with the Master Plan. Everything on the north bound side including those three homes comes off the map. Vice Chairwoman Breyta questioned why they would not make that HC if the

residents were in favor of it in the past. Ms. Kooper replied that right now it is consistent with the Master Plan.

Vice Chairwoman Breyta stated that if there were no other comments, she would like to have a motion. Mr. Dasti said they would need a recommendation to the Township Council. He is hearing that they would recommend that the Township Council consider revising or amending the ordinance to have the northbound side remain as is and the southbound to become HC, which would be the motion. If it is granted, Mr. Dasti would send a letter to the Township Clerk tomorrow. Vice Chairwoman Breyta asked for a motion. A motion was made by Mrs. Goodwine and seconded by Mr. Archer to make that recommendation as stated by Mr. Dasti.

ROLL CALL:

AYES: Kolibas, Archer, Van Nest, Harris, Goodwine, Barker, Breyta

NAYS: None

ABSTAINED: None

There being seven (7) affirmative votes, the motion passed for the recommendation to Township Council.

Mr. Dasti announced that if anyone here is interested with regard to this issue, the ordinance is still up to the Township Council and you should go to that meeting.

Mr. McGough said to the public that even though the Planning Board made the recommendation that the northbound not be included, the Township Council can still vote to include it.

At this time, Chairman Cettina took over the meeting.

**Application PB11-05-02 – Township of Robbinsville**  
**Project: Washington Boulevard Office Building**  
**Block 4.01, Lots 242 and 246 and Portion of Line Road ROW**  
**1201 Washington Boulevard**  
**Zoning: R1.5/Planned Village Development (PVD) Option**  
**Request for Preliminary Site Plan – Public Hearing**

The applicant is seeking preliminary site plan approval for the construction of a three-story mixed-use building with 48,000 square feet of office space on a site composed of two lots and right-of-way totaling 6.2+/- acres.

Representing the Township was Mark Roselli, Township Attorney. They are present this evening because of a unique opportunity for the Township. The Township is the owner of two lots located on Washington Boulevard, Block 4.01, Lots 242 and 246, and there is also a portion of a paper street, Line Road, which is included in this application. The Township has owned these properties since 2002, which were given to them by Sharbell. The Township Finance office was located on a portion of those lots before they moved to Town Center. They are seeking preliminary site plan approval. Testifying tonight are Mr. McGough and Rob Korkuch, Project Engineer, who submitted the plans as well as the application. They are requesting preliminary site plan approval for the purposes of allowing the construction of a 48,000 square feet office building on the site. Ultimately the Township envisions going out to bid either for someone to purchase the property at the right price and/or maybe having a land lease. The idea there is that the market today for land is not very good. The Township should not have to be a landowner. The property does have value and they believe by obtaining preliminary site plan approval if the Board is so inclined, it would help increase the value and make the property more marketable when they try to sell it. The proposal is a permitted use in the R1-5, PVD (Planned Village Development) Zone. The PVD Zone applies the Town Center bulk standards. As a result of that, they are seeking various variances and design

waivers because Town Center standards are unique. Mr. Korkuch will explain that when you try to apply those standards to this site, it really does not fit. Therefore, what they are proposing would be a better fit for the site. Mr. Roselli stated that he will present the facts and then Mr. McGough as Township Administrator, will cite a background of the project.

Mr. McGough was sworn in by the Board Attorney. Mr. McGough testified that the property was dedicated years ago to the Township. Before it was converted to the Finance Building, it was the Police Substation. Last August the Township had an opportunity to acquire some additional office space for the rest of the staff. It was very inconvenient to have the Finance staff in a separate building so they acquired the office space on a lease and moved the Finance staff over to the municipal quarters, thereby negating the need to have that property. They started to think about what to do with the property. The property can not be just marketed and sold. The property would have to be auctioned. You actually have to go through a process. They spoke to an auctioneer, who indicated that the property was not going to be very valuable. They had presented to the auctioneer the idea of obtaining a preliminary approval for the site and a Letter of Interpretation for the wetlands from NJDEP. The auctioneer said if they did that it would be a lot more marketable. Mr. Roselli and he have been working on this application for probably a year. It really has never been done before. He is here as the developer looking to get preliminary approval for a site. The idea would be to flip it via an auction to sell the property to a developer. Mr. Korkuch will give you testimony about a development that fits in the most. The permitting that is required is basically a process that can be obtained through general permits from NJDEP. They have met all parking requirements. The building fits on the footprint. The only variances that are required, which Mr. Roselli did touch on, are variances that would make it a better site. For instance, one of the variances is that instead of a 5 foot setback from the sidewalk, it would be a 45 foot setback. It would be more in keeping with the rest of the neighborhood. If the Board were to approve this preliminary site plan, whoever purchased it would have to come back to this Board for approval of a final site plan for the use. At that point in time, the Board would see architectural and all those type of things you normally see in a site plan. Mr. McGough said he would be more than happy to answer any questions.

Mr. Roselli introduced Mr. Korkuch as the next witness. Mr. Korkuch is the application engineer and also a planning consultant. When Mr. Korkuch is sworn in, he will give his background to the Board. He would be offered as an expert witness.

Mr. Korkuch was sworn in by Mr. Dasti. Mr. Korkuch has testified before this Board and the Zoning Board in the Township as well as many others in the state. He has been licensed in New Jersey for more than twenty years and has been accepted as an expert by other Boards including this Board in both engineering and planning. The Board accepted Mr. Korkuch as an expert witness in the field.

Mr. Roselli asked Mr. Korkuch if he had an opportunity to review the application as submitted to the Township and also the associated site plan. Mr. Korkuch said yes. Mr. Roselli asked if he assisted in both the preparation of the application and the site plan. Mr. Korkuch said yes. Mr. Roselli asked if he had an opportunity to do a site visit for the property in question. Mr. Korkuch said he has visited the site a number of times. Mr. Roselli asked if it was fair to say that Mr. Korkuch is familiar with the property in question. Mr. Korkuch said yes. Mr. Roselli said that they have an exhibit to show the Board, which was marked as Exhibit A-1 – Aerial of the Site, dated July 20, 2011. Mr. Roselli asked Mr. Korkuch to orient the Board as to the property in question. Mr. Korkuch testified that the property is shown in black. He indicated various points on the exhibit. This is Washington Boulevard. This exhibit is oriented north and south. Route 33 is at the bottom. The water bodies are in Town Center. The municipal building itself is located right here on this exhibit. Around the property, the parcel to the north and east is the Foxmoor development. To the west is farmland, which is owned by Mercer County and is part of an urban space program. Directly to the

south adjoining Washington Boulevard is the detention basin, which serves the shopping center. To the rear of the property is another detention basin, which serves St. Gregory's. The exhibit shows the patterns of Town Center and portions of Foxmoor. The subject property is 6 1/3 acres. Currently located on the property is the former Finance building, a parking lot and a small detention basin. There is a meandering berm and a buffer between this property and the adjoining property to the north. The berm is between 2-4 feet in height and has some mature evergreen trees as well as other vegetation on that buffer as well. This is the big picture and what is around that. Mr. Roselli asked Mr. Korkuch if the exhibit reflects the present conditions of the site. Mr. Korkuch said yes it does.

Mr. Roselli introduced Exhibit A-2 – Larger Scale Aerial, dated July 20, 2011. Mr. Korkuch testified this aerial shows the property in a larger scale and what surrounds the property. Along Washington Boulevard, one can note there is a paved asphalt path on this side of the roadway that runs the whole length. On the east side you will notice it is all concrete sidewalks, which is for the development that occurred on that side. There is open space and a detention basin associated with the development to the south, our land is to the left and Foxmoor townhome residences adjoin the other side of the property. Mr. Roselli asked if that is an accurate presentation of the current site conditions. Mr. Korkuch said yes it is.

Exhibit A-3 – Colored Rendering of the Plan, was introduced to the Board. Mr. Korkuch said this plan is depicting what is proposed on the site as part of this application. In the middle of the plan is the proposed 48,000 square foot building. It is a three story building with 16,000 square feet on each floor. To give you a sense of the size of that, the municipal office floor plan is 10,000 square feet on three floors so it is 1½ times the size of that. Mr. Roselli interrupted to say the office use is a permitted use in the R1.5 (PVD) Zone. Mr. Korkuch said there are no specific bulk standards that relate to the size of the building, but it is in conformance to other bulk standards that they will talk about. There is an entrance driveway that will serve the parking areas in the rear of the building. No parking is proposed in front. There will be some parking on the side. The Town Center standards have a range of allowable parking. The most parking that is allowed is what is proposed, which are 192 spaces. The Town Center Zone is more oriented to what we see in the commercial side of Town Center along Route 33 where it is anticipated there would be a lot of shared uses so there is a notion of sharing parking. That is why there is a range of valued parking. From speaking with the developers and his experience, the amount of parking shown here is the minimum that they would like to see. There is a small storm water basin located just north of the site. There is a small depression near the area that is an existing storm water basin that serves the parking lot for the building that is there, which will be excavated little further to the north. There is also another detention basin that is just south of the building itself and another basin adjoined to another basin at St. Gregory's. There is another storm basin to the rear of the property. There are Town Center standards for landscaping and many other features that are all shown as proposed here on the plan. Lighting is being provided for the parking area and proposed at the street intersection and in front of the building. There is fencing proposed around the basin closest to Washington Boulevard. There is also intent to add screening to what already exists between this property and the townhouses to the north. There is a berm with mature pine trees. Underneath those pine trees, it does get a little thin in places so the intent was to supplement those areas so that at ground level there will be screening from the parking areas. The intent is to enhance that buffer beyond what it already is so that you virtually will not see any parking with the additional landscaping.

Mr. Roselli said the proposal with respect to the area from the parking lot to the boundary line, is to have the existing vegetation remain. The goal is to supplement the buffer for the side yard.

Mr. Dasti noted that Mr. Korkuch testified that 192 parking spaces are allowed. Mr. Korkuch said yes he did. Mr. Roselli said that is the maximum allowed for this area. As part of this application, they did reference the fact that certain variances and waivers are being requested.

Mr. Korkuch said that although it is not shown on the exhibit, an important feature is that part of the storm water management for this site will be partly underneath the parking areas towards the rear. Portions of that parking area will be for subsurface storage. Infiltration is provided beneath the parking area.

Vice Chairwoman Breyta asked if the rear portion of the property will be undisturbed (the dark green area on exhibit) and Mr. Korkuch said yes. The lighter green is the limit of the disturbance of the property.

Mr. Archer asked how much of the six acres is actually being disturbed. Mr. Korkuch said that it is probably in the 60-65% range.

Mr. Levesque asked how close the parking spaces are to the Foxmoor townhome property line.

Mr. Roselli stated that under this proposal, Town Center side yard setback is 0 feet. For Town Center, you can basically have a building go from property line to property line. They have over 638 feet of frontage. Under the existing zoning, you can have a 0 foot side yard setback. Their side yard setback is proposed at 100 feet from the building. Mr. Korkuch said that from the parking lot it is 50 feet to the property line and on the Foxmoor side there is 25 feet to the individual fenced areas in the rear yard.

Mr. Levesque commented that they are looking at 75 feet of trees. Mr. Korkuch said they are looking at 50 feet of trees, buffering and berming and 25 feet on the Foxmoor side. Mr. Levesque said there is significant tree buffering.

Chairman Cettina said that around the parking, is there brick work? What is surrounding the parking? Mr. Korkuch replied that it is all shrubbery.

Mr. Levesque asked where the wetlands exist. Mr. Korkuch responded that there are two wetland pockets on the property. One is right in the center of the site, which is not quite  $\frac{1}{4}$  of an acre. It was probably formed when the parking lot was built. The rest of the wetlands is predominantly in the rear portion of the site. Mr. Roselli asked Mr. Korkuch if his firm prepared an environmental impact study. Mr. Korkuch said yes and that it was submitted with the application. The conclusion was that the wetlands were not native to the area. The wetlands were created as a result of the construction around it. Basically, the water had nowhere to go because if you look at the construction that was done around it, they did such a poor job, which is part of the reason why the wetlands are there. They did get a Letter of Interpretation from NJDEP. The disturbance area is one where you get a general permit.

Mrs. Goodwine commented that the wetlands were created by man-made activities. According to the LOI, it can be filled. Mr. Korkuch said that it is a relatively small area and it can be filled.

Mr. Korkuch testified the first variance is for lot width. In Town Center, a 20 foot minimum lot width is required for the maximum of the entire building whereas this application has a lot width of 630 feet. It suggests that they could have a building that goes from the property line here all the way down to the property line down here. It would be an impractical configuration for a building, but according to the ordinance, it would allow you to do that. However, they are not proposing to do that. Instead they are developing this in such a way that there is a substantial setback from the

building to the northerly property line and still accommodate the irregular shape of the property. They are asking for a variance to deviate from the ordinance so that it will be less than a 630 foot wide building.

Mr. Korkuch said the next variance is for building depth where it says for Town Center commercial space, the minimum depth would be 36 feet plus a 10 feet arcade and the maximum depth would be 80 feet plus 10 feet arcade. The maximum that would be anticipated is 90 feet. It is not 80 feet plus the arcade. It is all 90 feet of building so there is this variance to change 10 feet of arcade use to all building space instead.

The next variance is for front yard setback. The minimum front yard you are allowed in Town Center is 0 feet from the property line to the building. In Town Center, you see buildings that are virtually right on the front property line. The maximum that it can be is 5 feet. The building would be virtually on the street. They did not think that would be appropriate for the reason being that they looked at where the existing buildings were along Washington Boulevard and the distances back from the road. They are proposing 45 feet.

The last variance is for side yard setback where the minimum side yard setback allowed is 0 feet, which means that again the building would be right on the property line. The maximum allowed is 15 feet. They did not think that it would be very attractive and professional considering the setting of this property. They are proposing a side yard setback of 100 feet.

Mr. Roselli stated those are the four variances being sought for bulk standards. Mr. Korkuch said he is familiar with the standards he must meet in order for the Board to grant those variances. The PVD Zone option in the R1.5 says there can be some commercial in the Planned Village Development, which is what PVD is. He presented Exhibit A-4 – Township Zoning Map, which showed all the zoning districts and boundaries. They are located here on Washington Boulevard. The only area of the Township that has this zoning covers a good portion of Foxmoor along Hutchinson Road and Washington Boulevard. They have determined that if there is to be commercial in that zone that it has to conform to Town Center standards. Specifically, by doing so they would have a building that would be relatively large and extend virtually from property line to property line and right on the street. From a planning perspective, they have looked at this to see what is around here. He labeled this property as a transition piece of property more from what is the Planned Village Development residential portion coming down the commercial area, which is the Town Center. The Town Center standards are used for the commercial uses in the PVD Zone. In this case, strict adherence to the standards would be relatively impractical to do that. It would create a structure that would be inconsistent with the community and the rest of the neighborhood. The setback is aligned so that it would be consistent with the other structures along this side of the street. They scaled the building to be a transition between what they would find compatible with a residential development and the commercial development in Town Center.

Mr. Roselli asked Mr. Korkuch's opinion as a planner as to what purposes of the Municipal Land Use Law (MLUL) would be advanced by the granting of these variances. Mr. Korkuch testified that while there are quite a few of the purposes of the MLUL that would be furthered by this, there are three specifically that are set forth in N.J.S.A. 40:55D-2 (g),(k) and (m). He read, "(g) To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens." In particular the public and private use that is here does apply because they are taking very good care that the commercial can fit in according to appropriate scale and size. "(k) To encourage planned unit developments, which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational developments to the particular site." The

PVD is intended be a planned type of land use and area. This commercial is integrated into that. "(m) To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land." They are proposing using portions of the property both for parking and storm water management. They are not using the entire property and are leaving some of the property in an undeveloped way.

Mr. Roselli asked Mr. Korkuch that in reviewing the requested variances, would there be any detriments to the granting of the variances. If so, would the benefits of granting the variances outweigh those detriments. Mr. Korkuch answered the benefits would outweigh the detriments. Mr. Korkuch said he read the purpose of the PVD Zone plan option and this site meets and enhances some of those purposes. He read the following ordinance 142-66.A(1) as follows:

- To encourage innovation in design and reflect changes in land development technology.
- To provide for necessary commercial facilities and services.
- To provide for new higher density housing.
- To recognize the existing approval for Foxmoor, including housing for low and moderate income households.
- To ensure compatibility among land uses.
- To encourage the highest quality urban design and architecture.
- To encourage the value of land.
- To encourage more efficient use of land, public services and facilities.
- To encourage better movement and transportation of people.
- To prevent strip commercial development.
- To encourage attractive and safe residential neighborhoods.
- To preserve the residential integrity of adjacent areas.

Mr. Korkuch believed that all those purposes in the PVD Zone ordinance would be enhanced by what this site proposes to be developed. Mr. Roselli said the proposal allows the purpose of the plan to be advanced. The variances they are seeking are generally referred to as variances in the MLUL. Mr. Korkuch said that they are C-2 variances. Mr. Roselli stated that the C-2 variance criteria is set forth in N.J.S.A. 40:55d-70(c)(2). The granting of the variances would not substantially impair the zone plan. Mr. Korkuch said that is correct. The four variances should be granted as the proposed site plan would advance the purpose of the MLUL and be a benefit to the zone plan because it meets the goals of the properties within the zone.

Mr. Roselli said that they have a letter from Remington and Vernick dated July 18, 2011. There are certain design waivers with this application. Design waivers are different from variances. Standards for granting a waiver versus a variance are different. Mr. Korkuch said that he is familiar with the standard for granting a design waiver. He suggested identifying the waivers. Mr. Roselli stated for the record that the Board has the authority under N.J.S.A. 40:55D.51b to grant exceptions or waivers from the requirements for site plan approval as may be reasonable, if the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

Mr. Korkuch addressed Remington and Vernick's letter as follows:

- Page 4, #A.2 relates to off-street parking for commercial uses shall be sufficient to provide parking for employees as well as long term customer parking; spaces reserved for employees are to be designated by striping and signage. They are not proposing to designate parking in any different way than they would for any office building in the area or outside of Town Center. He believes the ordinances are specifically related to Town Center where shared parking is considered. There were times when different users would be on the premises and using that parking area. In this case, an opportunity for shared parking

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use does not exist. He would suggest that it is necessary to designate where employees and visitors would park. It would be a benefit to the use of that property. If the developer of that property chose to do that, he sees no detriment to it, but he does not see any reason why it should be specified at this point in time.

- Page 4, #A.3 addresses on-street parking to be provided to serve customers of commercial uses. They are requesting a waiver from this requirement as on-street parking is prohibited along Washington Boulevard. Mr. Korkuch said that it is not practicable here to do on-street parking.
- Page 4, #A.4 says each applicant for a nonresidential development greater than 5,000 square feet shall conduct a parking study to determine the number of off-street and on-street parking required to accommodate peak parking demand. They are requesting a waiver from this requirement since on-street parking is not permitted along Washington Boulevard. In this case, there is no on-street parking. The parking standard that they are using is allowable.
- Page 4, #A.5 says modular masonry materials such as brick, slate and concrete pavers, or gridded cast-in-paving materials such as exposed aggregate concrete slabs, shall be used on sidewalks, pedestrian walkways and pathways, crosswalks, public or semi-public plazas, courtyards, and open spaces. Mr. Korkuch said in this case those proposed features do not exist on this site. Therefore, they are proposing to paint the crosswalks and are requesting a waiver from that requirement. Chairman Cettina asked if there is an existing pedestrian walkway down Washington Boulevard that connects the residential area to the shopping center. Mr. Korkuch said that it is an asphalt walkway. He added that along Foxmoor there are painted crosswalks. Chairman Cettina noted that the intent is to continue with the painted crosswalks instead of the textured paving in Town Center.
- Page 4, #B.1 identifies what is standard for trees associated within parking lot areas. The plan that was submitted to the Board identified that there is a requirement for 39 trees, which is a standard in the ordinance. Their plan shows 17 trees are proposed, but they have been able to enhance that plan to 30 trees. One of the reasons why it is difficult to plant more trees is because the ordinance standard for the height of the light fixtures in the parking lot is a maximum of 16 feet, which they need. Because that is relatively low for this kind of facility, it requires that they have more standard light in the parking lot so there is a competition between more light standards and trees. As a result there are fewer places to put trees in and around the parking lot area. Therefore, it is impractical to plant more than 30 trees in the parking lot. They are requesting a waiver.
- Page 5, #5 states that street trees are to be planted 40 foot on-center for all uses in zone districts along the frontage of any lot for private and public streets. Four additional trees are supposed to be provided per ordinance. Mr. Korkuch said the Town Center standard requires trees to be spaced at 40 foot on center as they are along Route 33. They have proposed the trees to be spaced at 100 foot on center. Forty feet would bring them closer together. He suggested that in order to have the ability to put the building in the area, 100 feet makes sense to maintain visibility in front of the building area. He suggested that in front of the detention basin, they could plant trees closer on center.
- Page 6, #C.1 reads that "along all commercial or mixed-use streets, parking areas, sidewalks, walkways, courtyards, community greens, and interior open spaces in Town Center, decorative lampposts shall be provided at regular intervals". Mr. Korkuch said they are complying with the ordinance in the parking area, entrance drive and the walkway to the building. They are not providing them continuously along Washington Boulevard because that is not what is along Washington Boulevard. The fixtures are the typical fixtures provided by PSE&G. By providing those here, it accentuates the property by making it fit in and not stand out. Chairman Cettina asked if the waiver is specific to Washington Boulevard and Mr. Korkuch said yes.

- Page 6, #D.1 relates to signage in Town Center, which limits the area of the signboard to four square feet. Mr. Korkuch said they are requesting a proposed sign area of the freestanding sign to not exceed 60 square feet. Where that dimension comes from is if you look at the signs at Rose Hill and the Municipal Building Complex and other commercial signs along Washington Boulevard, they are much more than 60 square feet. People who drive by tend to understand that there is a building there. In Town Center it makes all the sense in the world, but for this location it is not impracticable. When this application comes back to the Board for final approval, details of that sign will be provided. Chairman Cettina asked about the proposed location of the sign. Mr. Korkuch said it is shown to be located here adjacent to the driveway. Ms. Breyta asked if there was a height limitation for the sign. Mr. Korkuch said they could limit the height. It is not intended to be a monument sign. It would be a ground mounted sign. He offered a maximum height of 8 feet for the sign and at final they would provide the details of the sign. Mr. Roselli said the sign will have a decorative base.
- Page 10, #J states that a review of the cut/fill calculations indicates a fill requirement of approximately 5,811 cubic yards. Mr. Roselli said this is the final waiver. Mr. Korkuch said the Township has an ordinance that states you can't import or export more than 500 cubic yards of material on site. In this case, particularly because they are doing underground storm water management, they will be importing material, mainly gravel. A rough estimate of that is roughly shy of 6,000 cubic yards. A waiver is requested.

Ms. Kooper asked about the fence. In lieu of peripheral fencing, the basin should be contoured and shaped to form low angles at the primary water line, thereby insuring greater pedestrian safety.

Mr. Roselli said they would address that later.

Chairman Cettina had a question regarding the waiver for the cut/fill for the 5800 cubic yard of material. Of the 5800 cubic yard, how much of that is gravel and materials for the drainage. Mr. Korkuch said that for this site in order to get water to these basins, the rear portion of the site has to be picked up. Mrs. Van Nest asked if they could use some of the soil from where the detention basin will be dug. Mr. Korkuch said that some of the soil is getting moved around on site and some of the elevations are getting lower and some are getting higher. Mrs. Van Nest said the concern has always been the quality of soil brought in. Mr. Korkuch said that is a good concern, but in this case the ordinance requires that the soil be clean. Chairman Cettina asked if there currently is an ordinance that requires that the material brought in be certified. Mr. Korkuch said that it is required in the Developer's Agreement. Chairman Cettina said a condition of approval for this waiver for the cut/fill to be clean would be included in the Developer's Agreement.

Mrs. Goodwine had a couple of questions regarding the waivers. With regard to #B.5 on page 5 where the street trees are to be planted 40 foot on-center and they are proposing 100 foot on-center, she does not recall the distance between trees that are already planted along Washington Boulevard. Are the trees all spaced a 100 foot apart? Mr. Korkuch said that on the west side of Washington Boulevard, there are no street trees. On the east side of Washington Boulevard, there are street trees that are planted 50 foot on-center. The Washington Boulevard plan shows a planting strip between the curb and sidewalk on the east side much wider than it is on the west side so there is no room to put street trees into that green strip in the Township's right-a-way on the west side. Mrs. Goodwine asked how Mr. Korkuch arrived at 100 feet. Mr. Korkuch replied that it came from a landscape architecture perspective and balancing the other plantings that are going to be here against the scale of the building. Chairman Cettina asked if it would be fair to say that if the trees were spaced at 40 foot on-center that the property would be significantly different than the remainder of Washington Boulevard. Mr. Korkuch said yes and to some extent there would be the concern that they are trying to hide something. Mr. Roselli said the preference would be for 100

foot in front of the building and elsewhere 40 foot. Mrs. Goodwine commented that it appeared to her that going from 40 foot to 100 foot is dramatic. Mr. Roselli said that when you look at Town Center and this site, it does not work. Mrs. Goodwine said that she can certainly see that.

Mrs. Goodwine referenced Exhibit A-3 – Colored Rendering of the Plan, which has green at the bottom. Could you tell her what the logic was in placing the building where it is? Mr. Korkuch replied that they actually considered various locations for the building and pretty much zeroed in on the fact that they are not putting it out on the street because it is not compatible. It really was a balance between trying to keep a setback from the residences to the north and being able to have a parking in a location that was proximate to the building. As they headed the building further down, it got to the point that it became very awkward because of the irregular shape of the property. You can make an irregular shaped detention basin, but it is much harder to make an irregular shaped building and irregular shaped parking area. They were trying to keep the building as far away as possible from the property line to the north and this is the result.

Mr. Korkuch addressed the other comments in Remington and Vernick's letter.

- Page 4, #B.2 talks about screening the parking lot area. They had looked at this and realized that the trees on the plan were not substantial enough in size to work. Instead what you see here is relative large circles and small circles. Mr. Korkuch introduced Exhibit A-5 – Alternate Buffer Planting. What they are trying to accomplish with this plan is to provide as much buffering to the residences on the north side as they could. In lieu of plantings that would be in front of the parked cars and instead of putting plantings right against the curb, they moved them out and picked different species that would fit underneath the branching of the trees. Instead of just blocking out the cars, it would also be blocking further back along the berm area. Mrs. Van Nest asked when the trees mature, would it be from the ground up opening so the headlights will then go through. Mr. Korkuch said the trees are relatively large and he can't walk underneath without hitting his head. Right now you can see underneath those trees. What they are proposing instead is to do enough plantings underneath those trees so that the view from the ground up to those branches will fill in. He does not think the headlights will be a problem because there is a berm there. The berm varies in height from 2-4 feet. The berm is not continuous; it has gaps and spaces in it. The plan he is proposing will fill in those gaps in the undulations of the berm. Ms. Breyta said that it would fill it in so that it would be an average of 4 feet. Mr. Roselli said that it will be 4 feet when the two are combined together. Ms. Kooper said that once the shrubbery grows higher than 4.5 foot, they are good. Chairman Cettina asked for two clarifications. With regard to specifically to page 4, #B.2, the parking lot exposed to view shall be surrounded by a minimum of 4.5 foot high year-round, visually imperious screen, hedge, or wall, is the specific area you are talking about the north side of the parking lot. Mr. Korkuch said that is correct. Chairman Cettina said beyond that would it be fair to say that as a condition of the final plan that the test would be that they wanted to ensure that no light is getting through to the residential area regardless of how it is laid out on paper because sometimes it still does not work. The ultimate answer to this is that the ending plan will prevent any light bleeding through to the residences. The concern he has is that you start to move things back depending on how high cars and the lights are. Moving back is sometimes harder to block and closer is easier to block. So although the plan may be more aesthetically pleasing as you move back, it may still let light through and it may be an aggravating situation. They want to avoid that. Ms. Kooper said they want the plan to be visually impervious to all light. Mr. Roselli said the plan will meet the ordinance standards for screening. Mrs. Van Nest said that she is looking at the landscape plan, Sheet A-6, which appears to be different than what she sees up there. Mr. Korkuch said the exhibit is the latest plan. Mrs. Van Nest said she wants to make sure there is not an issue of sight distance. She asked that they be sensitive to the types of trees and shrubs planted so that they don't become as issue when

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they mature and impair the sight distance. Mr. Korkuch said the sight triangle is actually shown on the other plans. It is a good point to keep in mind.

- Page 5, #B.6 says that additional landscaping should be provided to screen views of the larger basin adjacent to Washington Boulevard. Mr. Korkuch described the area to the Board. South of the building there is a large green area, which is really a proposed dry detention basin with a depth of 3.5 feet. There is not normally water that is going to get in there. There will be filtered material at the bottom. They have proposed a fence that would encircle this. The other basins are shallow. This basin adjoins the large basin behind the shopping center. They proposed landscaping areas here and here (pointing to plan). The question is whether there should be more landscaping across here. Ms. Kooper said that it is really the Board's preference as to whether they want the landscaped clusters repeated. Mr. Korkuch was thinking there would be a split-rail fence with wire mesh. Mr. Archer said that Ms. Kooper mentioned something about contouring the basin. Is that out of the question? Mr. Korkuch said the Town Center ordinances do address contouring the basins at the normal water level, but this water basin does not have a normal water level because they are not ponds like you see in Town Center. They are retention basins. When it rains, they drain. To be able to apply that here, he is not sure how that would work in the first place. It is good for Town Center, but it does not apply here. These are not deep basins. In most extreme circumstances, they are only a few feet deep. In a hundred year storm, it would fill up to 3 feet. Mr. Korkuch thinks there should be a fence. Mrs. Goodwine asked Mr. Korkuch if he ever considered a fence to be an attractive nuisance. This basin will be dry 90% of the time. When there is a fence and there are children, the fence is something for the children to climb. Ms. Kooper said that it is an issue with all Boards whether to have or not have a fence. It is the Board's preference. Mr. Korkuch said the split-rail fence is an aesthetic feature to the site. Mr. Roselli said the question is whether the Board wants them to continue the landscape clusters as suggested by Ms. Kooper. Chairman Cettina said that they could address that under general comments. Mr. Roselli stated that they would certainly be willing to work with the professionals. They will comply except for the variances and waivers discussed previously.

At 9:05 p.m., Chairman Cettina called for a five minute recess. The meeting reconvened at 9:10 p.m.

Mr. Roselli stated they covered all their testimony. He reiterated that they will comply with the comments in Remington and Vernick's review letter of July 18, 2011. The only other item is on page 9, #H.3.a regarding an Operation and Maintenance Manual, which will be supplied at final approval.

Mr. Archer asked if there was any provision for a dumpster. Mr. Korkuch answered yes and pointed to the location of the dumpster on the plan.

Chairman Cettina asked if there was any lighting proposed on the building and from a lighting perspective, are they keeping it within the site plan and not spilling over. Mr. Korkuch said as far as the building itself there could be architectural lighting. Architectural plans will be submitted and addressed at final. There will be no spill over to the neighbors.

Ms. Breyta asked if it was correct to say that no lighted signage is allowed on the building. Mr. Korkuch said he did not know that answer. He did mention that the trees are very mature and high enough to exceed the second floor windows of the townhomes at the northern property line.

Mr. Breyta asked if there would be any roof mounted equipment. If so, where would that be and if it would be possible to have that screened? Mr. Korkuch said there would be roof mounted equipment. The architectural details will be seen at final.

Chairman Cettina asked if there were any other questions from the Board members at this time. If not, he would open the meeting to the public. A motion was made by Mrs. Goodwine and seconded by Mrs. Van Nest to open the meeting to the public. All in favor.

Mr. Dasti reflected for the record that he reviewed the affidavit of publication and the affidavit of mailings, which complies with the notice requirements of at least ten days.

Tom Doyle, 5 Tynemouth Court, stated this is a residential community. Foxmoor donated this land to the Township in 2002. Now there is a proposal to put an office building there. The quality of our life will decline. He has lived there for seventeen years. He loves this place. He is so disappointed. From his second floor bedroom, he can see Marrazzo's. Sitting in his backyard instead of seeing and hearing the singing of birds, he will now see the back of the office building. He also has issues with the buffer. There will be lights everywhere. He thinks this is a bad idea.

Virginia King, 8 Tynemouth Court, thinks this is a bigger problem than just Block 4.01. From the exhibits she is seeing, particularly the first one, it seems that Robbinsville is no longer physically land because it is overpowered by buildings. It seems that the taxes have increased because of all the buildings that have been constructed. Apparently because of these changes, the zoning laws have changed. This means that they can probably be changed again to protect us and the town. A point was brought up about 200 cars and the danger to children, but what about the traffic patterns. Right now it is terrible on Route 33 and Washington Boulevard. There is going to be 200 cars coming in and out at the same time. As far as buffer zones, they are going to plant more trees. It is pathetic. They have already bulldozed the trees that were there to put the little rancher in to be a police station and for the storage of bicycles. The buffer zone won't keep out fumes from 200 cars and noise pollution. It is changing the neighborhood. There are so many houses for sale now in Foxmoor. No one is going to want to live here. What is wrong with a little land that was behind St. Gregory's that they sold coincidental with Block 4.01. She feels that they can find a better site like Route 130 that is commercial. Why change the neighborhood? If you can't help us, who can?

Diane Kubinski, 5 Tynemouth Court, thanked the Board for hearing them. She indicated on the plan where she lives. She lives in the very first model home, the Ashley. She bought the very first home because she thought this was a very beautiful community. She came from Brooklyn. If you look on Route 33, those buildings are the same as on Fifth Avenue in Brooklyn. In any event, she did not expect this to be in her backyard. Do you want this in your backyard because someday it will be. As it grows from here, it will continue to grow like cancer. Unfortunately, she does live behind the parking lot as it exists now. Guess what, even at a ranch level, she sees the lights from the existing parking lot although every effort was made at that time to not make that a detriment to the people who live there. They did cap the parking lights, but it is not a 24/7 parking lot. It will not create a traffic jam as previously stated, but she will see the three story building, which will have its lights on 24/7. She works in an office building for the State and the light are on 24/7. A professional office building will result in the visibility of security lights and other types of lights for patrolling the area. She has lived here since 1987. When she moved in, Foxmoor was a development. They have their own townhome association and everything is supposed to go through them to be approved. She understands this parcel is behind their development, but yet their development is being treated as if it is in Town Center. Those people who purchased in Town Center knew there would be buildings, possibly movie theaters, within their structure. That is what they bargained for, but it is not what she bargained for. As a result, our land values are going to go down. What happens to us? This building gets constructed; do they get tax benefits because of abutting this property? Absolutely not! What kind of assistance do they get in this situation? They have children. The land that they are talking about is a buffer zone. She understands that it was said it is 50 feet plus 25 feet. Those 25 feet are coming from her backyard. I do not consider my backyard to be a buffer zone. If someone builds something, they should have a buffer of 150 feet as per the other zoning

discussion she heard earlier, which was very educational. That buffer zone has trees there already, which Foxmoor planted. Who will take care of the trees because in Foxmoor, they have to pay for the dead trees? Guess what, trees are not enough because they live there. Just with the little bit of traffic that comes through, she could hear that traffic during the day when the police station and tax office were there. You really need more than that if you have children playing in the back to keep them from the parking lot. She is referring to a wall not a fence. It has to be something that the children can not climb over so it has to be a high wall, and it should be cement or some other kind of material, which is not very pretty. These are things that are problematic to us. Many of us came here to be retired and to live a different life than in a commercial city or industrial area and now it is in our backyard. Our area is zoned residential. It was not zoned commercial, but they are having the after affects of living in a commercial area, possibly industrial area. Things can change overnight. If that becomes an office building, it could also become another type of commercial building in the future. In regards to the retention basin, they have one now next to the little ranch that is there. Before that, it was just solid land and they never had any drainage problems. Now the water sits there for weeks when it rains. The retention basin was built and the sewer was built higher so that when the water comes in, it does not go down right away so there are mosquitoes, which cause diseases. That is another big issue. It is not what is behind the building, it is right along side the building, which is her backyard. She asked that the Board consider all these issues she raised. This situation is really damaging to everyone involved abutting this property. She thanked the Board for considering all of this.

With no further comments from the public, a motion was made by Mr. Archer and seconded by Ms. Breyta to close the public comment session. All in favor.

Chairman Cettina wanted to have an opportunity to hear comments from the Board.

Mr. Roselli said that Mr. McGough would like an opportunity to present some rebuttal testimony.

Mr. McGough stated that one of the points that he did not touch upon in his opening remarks was this was a property that was donated to the Township and used for a site for an office building. The Township no longer use that office building so that intent now is to sell the property and that will provide property tax relief for everyone in the Township. There will be revenue that will come from this and it is significant revenue that is expected. He added that they also took great pains to make sure that it was the type of use that is permitted. They could certainly just auction off the property and a developer could come in and build a much bigger building, but they wanted to control the whole process. The Township wants to use the property for something and this would be the best use for the property.

Chairman Cettina opened the meeting to Board comments.

Ms. Kooper raised the issue of the signage. Chairman Cettina understands that in regards to signage the applicant is requesting a 60 square foot sign with a maximum height of 8 feet. Mr. Dasti said the specifics of the sign would be addressed at the time of final approval. The other issue was landscaping with respect to the landscape clusters. Does the Board want to see additional clustering of the landscape on the bottom south section of the property?

Ms. Breyta commented this application was reviewed by the Environmental Commission. One of their comments was a request for provision of a bike rack so this is a pedestrian friendly area.

Mr. McGough said they have reviewed the comments from the Environmental Commission and will comply with all of their requests.

Ms. Breyta said that she is satisfied with the landscaping as shown on the southerly portion of the property. Mr. Kolibas agreed with Ms. Breyta.

Chairman Cettina had one other question regarding the northern section abutting the residential area. Would there be any consideration of putting similar fencing that they see in the southern section along that property line to prevent the children from coming onto the property. Mrs. Goodwine asked if he was talking about another split-rail with wire mesh. Chairman Cettina said yes.

Mr. Korkuch stated they could put the split-rail fence with mesh wire along the property line. Chairman Cettina said not all the way across. The intention is for the parking lot area. Looking at the fact that there is a residential use behind it, children would be playing and the natural tendency would be to play in the buffer and woods area and wind up in the parking lot. The question is whether there is any way to prevent that. Mr. Korkuch said that some type of fence would be provided along the property line, but he is not sure how far to place the fence. It could be internal into the site instead of staying on the property line. Chairman Cettina asked if it could be done without destroying the trees. Considering that a split-rail fence is used, Mr. Korkuch said the idea would be to meander the fence. Chairman Cettina said that other areas of the Township address some of those buffer areas as areas that have growth and are maintained. He does not know the intent of this. Mr. Roselli opinioned that instead of putting the fence along the property line, it should be moved more interior from the residential side. Mr. Dasti suggested that if they go forward with this and they are not exactly sure what the landscaping is going to look like or where it is going to be that it be resolved at final. The Board was agreeable to that suggestion. Mrs. Van Nest commented that the Board made it very clear that the buffer should be heavy to cover lower because when those trees mature, they will not block the lights. Mr. Roselli said that there will be bushes of 4.5 feet in height underneath the trees. Chairman Cettina said that for clarity sake the applicant understands that the ultimate result is no light spillage through to the northern portion of the residential site. Ms. Kooper suggested that at the time of final, the applicant provide a lighting schedule. At the time of final, the Board would consider a lighting schedule of when the lights will be turned on and off at night so that the parking lot is not lit up all night. Mr. Korkuch said that would exclude standard security lighting. Chairman Cettina said they would discuss reducing the lighting later on in the evening. He agreed with Mr. Korkuch that the standard security lighting would be excluded.

Mr. McGough said their intent, if the Board grants preliminary approval, is to include as part of the auction that the Township offices move into this building and be a permanent tenant. They are not going to build another municipal building. When they did the planning analysis, it was cheaper to lease. They think that will make this even more viable.

Mr. Roselli stated that the uniqueness is that it would be a private/public partnership. The idea is this is a way to get municipal offices without having to build municipal offices. In respect to the trees, he knows from conversing with some of the employees from Act Engineering, who prepared the Environmental Impact, that there was evidence of beer cans and bottles on the property. He assumed this is from young adults loitering and drinking. He mentioned this is a way for this issue to come off the table.

Since there were no further statements from anyone, Chairman Cettina asked for a motion to grant the request for preliminary site plan approval with the stipulations addressed earlier with regards to the northern section and the variances and waivers as indicated in Remington and Vernick's letter. A motion was made by Mr. Harris and seconded by Mr. Archer to approve the application.

ROLL CALL:

AYES: Kolibas, Archer, Van Nest, Breyta, Harris, Levesque, Barker, Goodwine, Cettina

NAYS: None

ABSTAINS: None

There being nine (9) "AYE" votes, the application was approved.

With no other business to discuss, a motion was made by Mr. Kolibas and seconded by Mr. Archer to adjourn the meeting. All in favor. Meeting adjourned at 9:40 p.m.

Respectfully submitted,

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Elide M. Post  
Planning Board Secretary

**ADOPTED: OCTOBER 19, 2011**