

WEST WINDSOR TOWNSHIP PLANNING BOARD  
REGULAR MEETING  
OCTOBER 24, 2018

The regular meeting of the Planning Board was called to order at 7:04 pm on Wednesday, October 24, 2018 by Chair O'Brien in Meeting Room A of the Municipal Building.

**STATEMENT OF ADEQUATE NOTICE**

Pursuant to the Sunshine Law, a notice of this meeting's date, time, location and agenda was mailed to the news media, posted on the township bulletin board and filed with the municipal clerk on October 16, 2018 as required by law.

**ROLL CALL AND DECLARATION OF QUORUM**

Sue Appelget  
Linda Geevers  
Curtis Hoberman  
Michael Huey  
Andrea Mandel  
Hemant Marathe  
Michael Karp  
Gene O'Brien  
Allen Schectel-Alt I  
Anis Baig-Alt II

Mr. Huey thanked Ms. Miller for providing the Board with the trail maps.

**ORDINANCE REVIEW**

Mr. Guzik went over his memo dated September 21, 2018 about Ordinance 2018-26, Performance Guarantees and Inspection Fees.

He said that the major reform regarding performance guarantees is that it severely limits what the township can require to be bonded by developers at time of the approval. Under the new legislation the township can only require performance guarantee for what is going to be turned over to a public agency. One exception to that is any required perimeter buffer landscaping, whether it is public or private, can be something that we can require performance standards. We are recommending that be the standard requirement for developers going forward as this is adopted.

As for maintenance guarantees, the language was modified so that it follows the same requirement as maintenance guarantee for what was put under a performance guarantee at a value of 15% of the estimated cost of improvements for no more than two years following the completion of the construction. There is an exception for the perimeter buffer landscaping. The township can require a maintenance guarantee to cover a few private site improvements, such as storm water management, retention basins, in-flow and water quality structures and out flow pipes, to what is turned over to a public entity.

Townships are required to enforce storm water pollution prevention laws on behalf of the DEP. So it makes sense that there are extra protections provided to the township, since they have a vested interest to make sure storm water management systems are operating correctly. As a means of semi-compensation for the limits of the performance guarantees, two additional guarantee categories, Temporary Certificate of Occupancy Guarantee (TCOG) and Safety and Stabilization Guarantee (SSG), were added.

With TCOG the township can require a separate guarantee to cover improvements that need to be completed and any requirements before the final certificate of occupancy is issued.

SSG is intended to provide the township with funds to return property to a safe and stable condition or implement measures to protect the public from access to unsafe or unstable conditions on a development project. With the SSG, legislation has put in a pre-defined formula for how the SSG is estimated.

The new law specifies that at no time may a municipality hold more than one guarantee or bond of any type with respect to same line items.

Mr. Guzik advised Chair O'Brien that these code changes do not impact the way the planning board does business.

Ms. Mandel asked about the 60/30 days to claim payment under the SSG. Mr. Guzik responded that this is left to the interpretation of the professionals. However, developers want to be responsive, so this is not usually an issue.

Mr. Huey asked about safety measures to the township when work is contracted out. He was advised that work that starts on private property will remain on private property and the owner will deal with any problems. The township can use the SSG guarantee to make sure that the site is safely blocked from public access.

It was recommended by Counsel Muller to pass the ordinance since the planning board finds it does not violate the master plan and therefore has no further recommendations. Motion by Mr. Schetel and seconded by Ms. Mandel to send the ordinance back to council with no recommended changes. Roll Call vote, approved 9 - 0.

#### **APPLICATIONS:**

##### **a) PB18-08 SW DDR Nassau Pavilion**

Kevin Moore, attorney with Sills, Cummis and Gross described the property. Applicant is in the process of re-tenanting the former Kohl's location at 200 Nassau Park Boulevard with Home Sense, TJ Maxx and Burlington.

Applicant is proposing a façade sign for Home Sense, three façade signs for TJ Maxx, and two for Burlington, plus freestanding tenant identification signs. Also, the applicant is requesting confirmation that Home Sense sign conforms to township planning board and a sign waiver to permit increased sign area, letter lines and number of signs for TJ Maxx and Burlington. Finally, a waiver to permit additional freestanding tenant identification sign is being requested.

Four witnesses were introduced. Michael Fowler from Langan Engineering and Environmental Services, Inc. will describe the freestanding tenant identification signs; Frank Campione, Create Architects, will describe the building signs; Daniel Disario, Traffic Engineer with Langan, will discuss the traffic justification signs; and Sean Moronski, Professional Planner with Langan, will discuss the planning justification for signage. Each was sworn.

Mr. Fowler showed the orientation of the site in Exhibit A1. Bottom is Route One, north is a wooded area and golf course, south is Quaker Bridge Road and Lawrence Township, and to the west is a wooded area, retention basin and Raritan Canal.

Main tenants will be located on the north side.

Ad Vice Studios is the sign designer.

Exhibit A2 is a revision because sign #3 located across from Wegmans and Kohl's along the boulevard is missing.

Exhibit A3 is a letter from Ken Mesersmith of Ad Vice Studios stating that ten existing signs along the boulevard were approved in March 2018, but only nine are shown.

Mr. Hoberman said that any future plans should reflect the expansion of Wegmans that was approved by the Zoning Board of Adjustment.

Due to additional tenants, applicant would like another directional sign near the former Kohl's that will contain a Burlington and Michael's sign and four more slots to be determined. Contractually Michael's has to be on the sign. Proposed sign #11 is at Nassau Park Boulevard and Pavilion Way and will face traffic as it moves from Route One toward Quaker Bridge Road. The information on the sign will be above the fire hydrant, and the sign will be behind the fire hydrant and the sidewalk.

Exhibit A4 shows that the sign will be exactly the same as the other ten signs along the boulevard, i.e. three feet high, four by eight wide and will sit on a brick base. It complies with all items in the ordinance.

Signs will be illuminated with solar power and will reflect the font and logos of the tenants.

The signs will not interfere with the bus stop on the Walmart side.

Exhibit A5 is a photograph of the new monument signs approved in March 2018. The structures existed but the signs are new.

Sign numbers 1, 3, 5, 7 and 9 are all on the same side of the boulevard. Sign #1 is the first sign you encounter when you come off of Route One. Sign #3 will have three placards, two of which will include Wegmans and Michaels. Sign #5 will have Target only on the sign. Sign #7 will have room for five tenants; and sign #9 will have space for three tenants.

All signs will be the same. Nothing will be on the backside, the aggregate area of height of placards will be the same and landscaping around the base will be repeated.

Ms. Mikovsky, Construction Project Manager with DDR, was sworn in and explained that DDR recently changed name to Site Centers; so the existing signs were taken down and should be put back with Site Centers property reflected on the signs.

Mr. Campione described the color scheme, sign area, and letter height of the building signs for each of the three new stores in Exhibit A6. He explained that the signs reflect the corporate identity of each retailer while keeping the character of the center.

The signs will be illuminated from dusk until thirty minutes after closing time of 9:30 pm.

The applicant is proposing two smaller signs for TJ Maxx that will be placed on the columns on either side. There will be a light above to cast light down on the signs. The signs will be located at the pedestrian level, and Mr. Campione believes they are necessary to identify the entrance to the store.

The heart B logo for Burlington will also be at pedestrian level.

Mr. Dan Disario discussed the memo dated September 12, 2018 concerning traffic justification for the size and number of signs being requested.

Decision sight distance is the distance needed for a motorist to see a sign, read the sign, and then react to the sign. This varies with the speed limit.

The Manual of Uniform Traffic Control Devices has a legibility standard for letter height of one inch of letter height for every twenty-five feet distance from traffic.

According to US Sign Council, signs on buildings that are parallel to the road and setback more than 400 feet have a letter height requirement of 88 inches.

Signs on buildings should be 60 to 70 percent larger than signs on the road. These signs are important because Nassau Park Boulevard is a four-lane road, making it like a mini highway through the center.

Mr. Huey requested the following sentences be added: "Our Township sign ordinance does not create safety issues. It already conforms to the Manual of Uniform Traffic Control Device's highway safety requirements. Stacking a US Sign Council recommendation on top of the highway safety requirements amount to a request for business considerations, not safety considerations".

Mr. Sean Moronski, Professional Planner, talked about the planning basis for the design waivers that are being requested.

The proposed additional ground sign will be the first sign you see at the intersection coming in off of Route One.

It will give direction to the stores listed on the sign. Every business cannot practically be on the sign; but this sign is important, because the wall-mounted signs are not visible from Route One or when you come off the ramp. These signs are distributed around the frontage of Nassau Park Boulevard to identify store locations.

The ground signs direct you to the parking lot interior drive aisles, which go past the landscaping along the drive aisles. People are familiar with branding identification and recognize color scheme and letter font of these brands. The signs as designed create visibility and safety when driving through the drive aisles. They also have no impact on the bus stop or fire hydrant; so the placement of the additional sign at the location proposed does not have any adverse site plan impacts.

The highest letter heights are similar to Wegmans and other letter heights throughout the shopping center that routinely exceed the permitted three feet. The proposed signage in terms of dimensions and tallest letter height will be proportionate relative to the design of the center.

The columns provide a line of demarcation because three occupants are replacing one. The two column signs for TJ Maxx and the Burlington heart sign are for pedestrian identification. While they are large enough to identify, they are small enough to not be obtrusive.

Mr. Burgis in his October 15, 2018 memo asked for confirmation of letter height of 74 inches for TJ Maxx.

Mr. Disario explained that based on decision sight distance of 1100 feet and building sign research suggesting that building signs parallel to the road should be 60-70 percent larger than highway signs, this calculates out to 74 ½ inches.

Mr. Burgis agreed with the rationale for the waivers.

Mr. James Kochenour in his memo dated October 15, 2018 discussed the value of the ground mounted signs and that the building signs are not visible six months out of the year due to landscaping.

He questioned the B1A sign that directs traffic toward Walmart, Pet Smart, Home Goods and Home Depot.

Mr. Kochenour thinks that the proposed ground sign should be closer to the intersection. It could be a site triangle issue but feels that this should be investigated further.

Mr. Moore responded that if they own the property, they will amend plans for placement of the sign.

Mr. Kochenour said that, according to the ordinance, ground mounted signs can have up to six tenant names, and none of these have more than three or four tenant names.

Chair O'Brien responded that these are newly installed signs so they are not going to re-do them at this time. Also the geometry is set so they can have four tenants per ground-mounted sign.

Mr. Kochenour agreed with Mr. Disario's testimony and the numbers he shared. However, there is disparity in the sizes of the signs. TJ Maxx sign is much larger than the Home Sense and Burlington signs. He feels that 40-44 inches seems to provide the visibility needed to identify a store.

Chair O'Brien said that the larger sign provides brand recognition from the boulevard.

Mr. Burgis said that the box around TJ Maxx is smaller than the box around Wegmans.

Mr. Hoberman asked if the mature trees along the building line are going to be removed.

Mr. Surtees said that staff is reviewing elevation changes, and there will be landscaping changes, which will be presented in the concept plan in two weeks.

Mr. Burgis said that he is comfortable with size of the letters on the wall.

Counsel Muller reviewed the conditions and waivers.

- TJ Maxx is proposing three signs, one wall façade and two column signs.  
Area of sign is capped at 150 square feet, and applicant is proposing 289 square feet.  
Letter height maximum is three feet, and applicant is proposing 7 feet 10 inches.
- Burlington is proposing two façade signs; one is a heart sign and the other is a bigger sign.  
Area of sign is capped at 150 square feet and applicant is proposing 405 square feet.  
Letter height maximum is three feet and applicant is proposing seven feet.
- Proposing six ground-mounted signs.  
The ground-mounted signs will be lit by solar panels, and there will be landscaping around the signs.
- Sign #11 will be moved to the northeast corner, if Site Center owns the property.
- Sign #3 is missing, so the plan needs to be revised to show this sign.

Ms. Geevers made a motion to approve application PB18-08 subject to the above conditions and waivers. Seconded by Mr. Karp. Roll call vote, motion approved 8-1.

**b) PB18-06  
Ellsworth Realty Association**

Mr. Hoberman will recuse himself from consideration of this discussion, since he is friends with the applicant and serves on a governing board with him.

This property is in the Princeton Junction Redevelopment Plan area.

Dino Spadaccini is representing the applicant in this concept review.

Existing building E1 currently has retail space on the first floor. The zoning board in February 2014 approved retail space to be located in the basement of the existing building E1. However this never was built.

The applicant is looking to eliminate approximately 10,500 square feet of retail space and proposing to build two new buildings on the parking lot. Also, he is proposing to add ten apartments above that space and provide parking. The basement space will be used for storage and amenities only for tenants or future and present businesses in the center. Applicant is seeking two minor variances that coincide with the redevelopment plan.

Ingrid Kohler, Landscape Architect with Act Engineers, said that Exhibit A1 is the previously approved site plan and A2 is the proposed development in the parking lot for the previous approved site plan.

The two new buildings are A1 and A2. They will be variance free because they are all included under the redevelopment plan. The applicant is before the planning board because they do not need a use variance.

Chair O'Brien asked about the ingress and egress to the Ellsworth Shopping Center. Ms. Kohler said that it curves around to be opposite Carlton Place.

Ms. Mandel asked about the retention basin underneath the parking lot. Mr. Spadaccini said that this is a fairly common practice and they will comply with all engineering requirements.

Ms. Kohler said that there are two different locations where water empties. One is the existing basin that goes to a ditch that runs along the railroad tracks; and the other basin is in the back corner of Lot 19. It does not go back as far as the tennis courts; so it will not interfere. Whether it is an above-ground or underground basin, the storm water management is similar.

Mr. Schectel asked about the equitable distribution and safety issues of parking.

Mr. Kochenour said he has concerns about the layout, and parking is not located where it is needed.

Mr. Spadaccini said that with this plan, parking is closer to the two proposed new buildings than in the old plan.

Ms. Kohler said that the redevelopment zone intends to have shared parking.

Chair O'Brien brought up the concern raised by traffic consultant, Mr. Kochenour, in his October 16, 2018 memo in which he asked whether it is advisable to interchange Building A1 and A2. It is likely that more people will be going to Building A1. By interchanging these buildings, the walk will be shorter for pedestrians from the parking lot area.

Ms. Kohler said that the main reason for the layout is for the frontage on Cranbury Road and for creating a streetscape.

Mr. Tim Burton, Architect, said that the intent of the redevelopment plan is a village center concept. Most of the retail space will be on the Cranbury Road side of the tract; so the parking lot is closer to where people want to go.

Ms. Geevers asked if there is any assigned parking for residential tenants and also where will employees park.

Mr. Spadaccini said that they do meet the parking requirements whether parking is dedicated for tenants or not; and they prefer to stay away from dedicating.

Mr. Kochenour asked how they are meeting the parking requirement.

The 10,000 square feet of basement in E1 that was approved previously for retail but never used is being relocated to A1 and A2. The 10,000 square feet was included in the original 190 parking spaces.

Mr. Schectel asked if they would consider taking out green area or diminishing the width of the green area on the easterly side behind A1 to add parking.

This is a residential buffer because the house is about 100 feet from the property line. The buffer is required to transition from commercial to residential.

Mr. Dobromilsky said that this is a mixed-use area to create a downtown. A sidewalk is proposed to provide connectivity. However, if you start pushing buildings back, it becomes a shopping center.

In response to Mr. Karp, Mr. Ellsworth said it has always been a problem with commuters using the parking to go to the train station. They have a system now where the car is tagged and the license plate is reported to the police.

Mr. Ellsworth said that he is on site everyday and has observed that frequency of use of parking spaces is minutes, not hours.

Ms. Geevers asked what type of retail they anticipate. Mr. Ellsworth said that in today's retail environment 70% is food related and 30% is service related.

Council President Miller is concerned with the residents being able to park where they live. Princeton Ascend is also coming in. Carlton Place is fine for access but not made for parking; so they should not count on Carlton Place for a lot of parking.

Council President Miller asked about trails in the woods.

Ms. Kohler said that Mr. Ellsworth agreed to put a sidewalk that will run next to the existing gravel access drive. It will connect to the sidewalk along Cranbury Road and through the site. Two more access points will connect to the trail.

Mr. Kaganobich voiced his concerns about safety of children living there. He is concerned with the parking lot, the wooded area and lyme disease, and the trail that goes to the railroad tracks.

Chair O'Brien asked about the number of bedrooms in the apartments. They are approved for one bedroom except for four affordable housing units. Three will have two bedrooms and one will have three bedrooms.

Mr. Burgis said that this is designed to create a downtown. The minimum and maximum setback is more than 20 feet from the right of way to create a streetscape. Part of the downtown feel is no parking at your doorstep. If this living is not for you, then you will not rent there.

Mr. Ellsworth said that they will take a serious look at parking for tenants and try to strike a balance between what will work for retail and apartments. The six apartments in the next six months will provide a good test.

Right now they are talking to financial lenders and are leaning toward development being done in phases.

Mr. Dobromilsky said that this is new for Princeton Junction where residential and retail is mixed. Mr. Ellsworth has owned property for a long time and is familiar with the area. A truly successful downtown will have a retail association to manage these issues.

Motion by Mayor Marathe and seconded by Mr. Huey to adjourn the meeting. Motion approved and meeting adjourned at 10:43pm.

Respectfully submitted,

Terri Jany  
Recording Secretary