

WEST WINDSOR TOWNSHIP PLANNING BOARD  
REGULAR MEETING  
June 26, 2019

The regular meeting of the Planning Board was called to order at 7:05 pm on Wednesday, June 26, 2019 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 June 19, 2019.

**ROLL CALL AND DECLARATION OF QUORUM**

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

There were no public comments on non-agenda items.

**a) Application PB19-04: Nassau Park Pavilion-Gateway Outparcel**

Chair O'Brien commended the applicant's team for heeding the comments made by the professional staff and the board at the concept hearings.

Martina Baillie is filling in for Counsel Muller.

Kevin Moore, from Sills, Cummis and Gross, represents Nassau Park Pavilion and Nassau Shopping Center Condominium Association. He advised that notice of this application was given to all property owners within 200 feet, published in the Times of Trenton and summary of the application was provided to West Windsor Township staff.

The property is located at Block 7, Lots 78.01 and 78.15 on the tax map. It is the Nassau Park Shopping Center, located on the west south side of Nassau Park Boulevard. The applicant is seeking to construct two single-story buildings with four tenant spaces. The buildings will be separated by an 1,800 square-foot patio, in the Gateway portion of the shopping center.

In addition, vacant Building 5 will be mothballed. There will be no increase in the overall floor area ratio.

All witnesses for the applicant were sworn in.

Michael Fowler, P.E., Langan Engineering and Environmental Services, presented several exhibits.

**Exhibit A1, Overall Plan of Gateway Outparcel**; Revision 2, Dated June 3, 2019. The Gateway portion of the site sits on Block 7, Lot 78.01. Part of the application is to mothball the building on Lot 78.15. The property is in the B-3 Business District and is located at the intersection of Route One and Quaker Bridge Road. Lot 78.01 is located on the south side of Nassau Park Boulevard. The Gateway portion is on the interior of the Nassau Park Boulevard curve. Currently that site is mostly grass with a roadway that cuts through from the parking area in front of Pet Smart and Home Goods stores. A sidewalk connects to Nassau Park Boulevard.

**Exhibit A2, Site Plan of Gateway Outparcel**; Revision 2, Dated June 3, 2019. The southern most building on the left is approximately 4,320 square feet with a 72 x 60 foot dimension. It is intended as a fast casual restaurant use and will have two tenants. The building to the north is approximately 4,680 square feet and 78x60 feet in dimension. There will be one tenant. The outer part of the right side building is currently a service use, but a tenant is being contemplated.

In between the buildings is an 1,800 square foot courtyard and outdoor seating area. The end unit on the left side building is also intended as a restaurant and will have café seating along the left side of the building. There will be bistro tables and chairs on the sidewalk for street seating. The remainder of the sidewalk is for pedestrian use.

The buildings are surrounded by walkways on all sides. Even if the restaurants do not come, the courtyard area will remain a pedestrian space.

The buildings are to be accessed from north to northwest with service occurring at the rear. The loading area is located on the right side of Building 2, more to the north.

Sidewalk connectivity will be provided on each side of the Nassau Park Boulevard curve. Sidewalks will be relocated along the south side and will lead to a newly constructed crosswalk with new flashing pedestrian signals. Pedestrian connectivity will continue to the north and northeast, to the other side of the curve, to a crosswalk on that end. That crosswalk will also be upgraded with materials and pedestrian warning lights.

Vehicular connectivity will also continue to Nassau Park Boulevard. The connection to the boulevard sits on the curve and will be a right in, right out only. There is adequate separation with the loading dock by Best Buy. Site lines and relocated monument signs will be provided.

The parking field is a radial design. Direct access to the new building will be provided. The number of parking spaces being proposed in this field is 105. This includes ADA spaces, which will be located at the parking field and also next to the building. There are 5,610 spaces being proposed on the entire site. The Zoning ordinance requires 6,125 spaces. This property will add parking to the overall site. The building that is being mothballed is excluded from the parking calculations and from FAR. However, it is included in the impervious area calculation.

Fire trucks and delivery vehicles will be able to navigate the site. The applicant received a favorable letter from the fire department.

The new loading area will be fully screened.

A no parking fire lane will be added in front of the building, as requested by Mr. Yates.

Mr. Fowler advised Ms. Mandel that at one space per two seats for parking, and taking into account the number of employees, parking will accommodate the three restaurants.

Ms. Geevers asked about electric car charging stations.

Diane Mikovsky, Construction Project Manager, from Site Centers, explained that they are looking at the use of charging stations on a property wide basis. A charging area is being negotiated in front of Target and Wegmans. She went on to explain that charging station operators are considered tenants and she cannot make a tenant operate a charging station in a specific location. Ms. Mikovsky did agree to install two conduits in the parking lot.

**Exhibit A3, Landscaping Plan on Gateway Outparcel**; Revision 2, Dated June 3, 2019. The Gateway area is currently a grassy area with trees. Forty trees will be removed and replaced with 35 shade trees, predominantly Red Maple. The area along the boulevard on the curve will serve as a water quality basin and be landscaped with a meadow grass. The grassy area immediately along the boulevard curve line will have a number of trees.

There will be shrubbery along the outer parking line to screen headlights. A number of shade trees and shrubs next to Home Goods and Pet Smart are being saved.

Landscaping enhancements at the driveways all along Nassau Park Boulevard will consist of trees, ornamental grasses and shrubs.

A variance is needed for maximum impervious coverage.

A waiver is being requested for the dedicated pedestrian space area. The requirement is 18 %, and 17 % is being proposed.

A waiver is requested for preserved open space. The ordinance requires 30 %, and 29 % is proposed. The majority of the open space is behind the pavilion.

A waiver is requested for brightness for the average foot-candle. The ordinance requires .5 and the average foot-candle within the Gateway area is 2.5. There will be three wall-mounted lights similar to the lights throughout the center. The proposed lighting is in line with what is at the site today and also with the Luminating Engineer Society.

The plans eliminate the lighting affect from the lights that align the boulevard.

Wall sconces are being proposed on the building. They are quite small at 6 inches wide, 16 ½ inches tall and 5 feet deep. A waiver is being requested for this.

The lights are on dusk to dawn, which is what is happening now.

**Exhibit A4, Storm Water Drainage Plan, Drawing CG101; Revision 2; Dated June 3, 2019.** Since this proposal increases impervious coverage, water quality and quantity recharge was tested in the landscape area between the boulevard and the first parking lot. The storm water will go through an opening in the curb into a water quality swale. After that, the water will go into an underground retention basin to an existing storm water system, where the Gateway runs through to the southeast and across to a larger basin behind the former Kohl's.

A percolation test to check the ground water recharge was done and it did not meet the criteria for providing storm recharge. As requested by Mr. Guzik, information showing that other areas of the site were also tested for permeability will be provided.

Also, storm beds will be provided where the storm water runs through the curbing at certain points. The basin will have a concrete box with stone veneer to allow water to pass through the swale to the underground system.

**Exhibit A5, Building 5 Overall Site Plan, Drawing CS100, Revision 2, Dated June 3, 2019.** Building 5 is proposed to be moth balled. The building has a little more square footage than what was proposed.

This application shows construction of a handicapped ramp and sidewalk, which will improve connectivity between Bristol Myers Squibb office building and the shopping center. Construction of the ramp will be coordinated with Bristol Myers Squibb since the property line is right down the middle.

The hours of operation at the shopping center, 10 am to 10 pm, is typical for retail.

Mr. Huey was advised that the reduction in sewer usage is a result of reducing the square footage from the former Kohl's and the mothballing of Building 5. Ms. Mikovsky said that the seat count in the mothballed restaurant in Building 5 is larger than the combined seat count for all three restaurants in the Gateway parcel.

Ms. Mandel asked if the increase in impervious coverage, from 57.17 % to 57.91 %, could be mitigated somehow. She said that 50 % is what is desired and according to the report, the impervious surface is already a half million square feet over the requirement. Mr. Moore responded that this is the last increase.

Chair O'Brien asked about a statement on page 1, Section 2, of the Green Development Practices Checklist concerning tenant responsibility for recycling grey water. Mr. Fowler said that the applicant would be consulted on this.

Mr. Schectel asked if a guide rail is needed for the swale. Mr. Fowler said that the elevation and slope do not meet the standard for a guide rail. Mr. Guzik agreed and added that the swale is also on the inside of the curve.

Mr. Guzik asked about the volume calculation for water quality control and the design of the berm portion of the basin that tapers off, as you get closer to Walmart.

Mr. Fowler said that the plans will reflect a five-foot berm on top of the basin and that the impoundment of water is low.

Mr. Frankie Campione, Licensed Architect, from CREATE Architecture Planning and Design, said that all of the materials being used match the architecture of the center.

All signs will conform to the square footage of the sign ordinance. Applicant is asking for a 24-inch letter height. Ten signs are proposed for two buildings; one sign per business in the front and back and one for each end tenant.

**Exhibit A6, Floor Plan and Current Elevation**, Sheet A2, shows that the elevation of Building 5 will be exactly as it is now.

**Exhibit A7, Windows Graphic**, shows that Building 5 will have window graphics.

**Exhibit A8** shows that the space in between the patio is for outdoor seating. It will be constructed of a combination of concrete and patterned concrete in a dull gray color. Black tables and chairs will be furnished by Site Centers. Ms. Mikovsky said that the two tenants with access to the patio will have permission to incorporate their trade color on the umbrellas, as well as the name of their business.

Ms. Appelget asked if having a business name on the umbrella is considered another sign. Chair O'Brien suggested as a condition of approval, that no name be permitted on the umbrella.

The rear of the patio will be separated from the patio area by a screen wall. There is also a decorative fence with a gate. A secondary enclosure area will be screened to hide utility elements.

Ms. Geever asked about maintenance and cleanup of the patio area. Ms. Mikovsky said that there is a visual break in the concrete that defines the area that each tenant is responsible for cleaning up throughout the day. Also, the property management will do a thorough cleaning before opening and after closing.

Mr. Karp commented about the 24-inch height limit for letter height on the signs. Some store names are longer than others and the signs should be proportionate to the tenant name.

Karl Pehnke, Vice President, from Langan Engineering and Environmental Services, said that the Gateway driveway connection is being relocated to a better location in relation to the curve and for making left turns from the Boulevard. He also said that the new location makes it easier to identify the entrance to the Gateway area.

There are several traffic related improvements at the pedestrian crossing on the eastern and western end of the project site. They include pavement modification to the noses of the medians at both ends, installation of rapid

flashing beacons for pedestrians crossing Nassau Park Boulevard, bringing handicapped ramps to current ADA standards, and sidewalk connectivity.

In response to an earlier question about adequate parking for the restaurants, information published by the Institute of Transportation concerning parking for fast casual restaurants at peak time, the average is 80 vehicles. Therefore, the proposed 105 spaces are adequate.

The additional letter height being proposed is reasonable and characteristic of the entire center.

Mr. Huey brought up different types of flashing lights. Some are two-sided and can only be seen from the vehicle and others are four-sided with sidelights. There also is an audible option. Mr. Pehnke agreed to a condition of approval set by Chair O'Brien, to explore different options with Mr. Kochenour, including both visual and audio.

Chair O'Brien made it a condition of approval, that all options, including audio and visual, will be explored.

Mr. Pehnke said he still has to present traffic calculations and final plotting of site lines to Mr. Kochenour.

Ms. Appelget commented on the limited visibility when making a right turn from the driveway out to Nassau Park Boulevard. Mr. Pehnke said that they will check the landscaping and pay careful attention to the island.

Mr. Sean Moronski, PP, from Langan Engineering and Environmental Services, went over the planning justifications for the variance and waivers.

The applicant is requesting that the variance for MIC be granted under the C2 criteria. An increase in impervious coverage from 57.17% to 57.91 % will help to activate the center area of the site. Without this variance, the central area of the shopping center could not be developed.

Water quality and recharge was addressed. Pedestrian improvements were made. There is no substantial impact on the neighbors. Parking was increased to address the needs of businesses in peak hours and also to deal with the overflow from PetSmart.

Waivers:

1. Increase in parking space by 105 is below the required total amount.
2. Parking area illumination waiver to 2.5 foot-candle. This is in line with IES standards.
3. Dusk to dawn lighting. This is currently the case.
4. Wall mounted lights will not have shields. The fixtures are smaller than others and light shines upward.
5. Eight signs are permitted; ten are proposed. The intent is for maximum visibility for guests approaching.
6. Maximum letter height of 24 inches is proposed. This gives the tenant flexibility in terms of designing their signs.
7. Preservation of pedestrian space by which 18 % is required; 17 % exists and is proposed.
8. Preservation of open space for which 30 % is required; 29% exists and is proposed. Most of the open space is at the rear of the site.
9. An Environmental Impact Statement is not necessary given the scope and size of this project.

Ms. Geever asked about tables on the sidewalk. Ms. Mikovsky said that the sidewalk is ten feet wide so there is enough room for two bistro tables and pedestrian traffic.

The township professionals were sworn in.

Mr. Burgis asked for confirmation that parking spaces represent an overall improvement.

Regarding Mr. Guzik's June 18, 2019 report, Item 1.01, he was advised that the mothballing of Building 5 is going to be memorialized as a Condition.

Section 5.0, Utilities, Item 5.01, Mr. Moore said that the applicant will provide a note on how a portion of the sewer line will be removed without interrupting service to PetSmart. Item 5.03, the applicant will also call out the pit downstream of the restaurant use in Building 2 on the utility plan.

Section 6.0, Mr. Moore advised that the applicant will comply with all items.

Mr. Guzik reviewed the conditions on his report.

Section 3.0, Stormwater Management, Item 3.01 a, Mr. Fowler talked about how they will do more testing on the property to demonstrate that there is no recharge available on the entirety of the site. If they do find an area, a recharge system will be designed that meets the requirements of the ordinance.

Item 3.01 d, water quality control supplemental calculations will be provided.

Item 3.02, spot elevations are required to ensure the required elevation is met.

Applicant has requested waivers for items in Section 4.0, Lighting.

Chair O'Brien questioned the necessity for all the lights to be on dusk to dawn. Ms. Mikovsky said that all lights have been changed to LED for efficiency and about 25% are on dusk to dawn.

In response to Mr. Dobromilsky's comment 6 in his June 18, 2019 report, HVAC units will be rooftop units and screened.

Bill Day, PE, Traffic Consultant, is filling in for Mr. Kochenour.

He reported that Item 9, concerning the site triangle issue, will be addressed with Mr. Kochenour.

Item 16, applicant will comply with all signs being supported by "breakaway" posts.

Chair O'Brien reported that Mr. Yates recommends approval of the application.

Mr. Huey made a motion to close the public hearing, seconded by Ms. Geevers. Motion approved by voice vote.

There was additional discussion about the charging stations. Since charging stations are not part of a township ordinance, it cannot be made a condition. However, negotiations are taking place to have charging stations somewhere in the shopping center.

Ms. Mandel expressed concern with the requested increase in impervious surface. She also mentioned that pedestrian open space is one percent shy of what is required. Mr. Moore said the percentage of pedestrian open space has been the same from the beginning.

Counsel Baillie summarized the variance for MIC and nine waivers that were outlined by Mr. Moronski.

Mayor Marathe made a motion to approve application PB19-04, with a request that the applicant continue negotiating for charging stations. Seconded by Mr. Schectel. An amended motion to require one charging station was made by Ms. Geevers. The amended motion failed for lack of a second.

Original motion approved, 9-0, by roll call vote.

**b) Application PB19-05: Nassau Park Pavilion-Kohl's Outparcel**

Kevin Moore, from Sills, Cummis and Gross, explained that the application relates to the property known as Block 7, Lot 78.02 on the tax map. Nassau Pavilion Shopping Center is on the north side of Nassau Park Boulevard and is the former Kohl's site. The applicant is seeking to construct one 8,000 square foot single retail building with four tenants. A building, equivalent to 8,000 square feet, will be mothballed with this application. That building will be identified when the certificate of occupancy is requested.

All witnesses for the applicant were sworn in.

Frankie Campione, Licensed Architect, CREATE Architecture Planning and Design, presented **Exhibit A1, Outparcel Plan and Elevation**. The building is 24 feet tall on all four sides. It is similar in material and color to the overall center. Ten building signs are being proposed, one on the front and back for each tenant and one on each end.

**Exhibit A2, Outparcel Site Plan**, shows that mothballing could be dispersed. The architecture of the moth balled building is the same as the other buildings.

Chair O'Brien suggested a condition, requiring floor to ceiling firewalls be installed to separate the mothballed space from any other space.

Ms. Mikovsky explained that when the application is approved and the building permit process begins, she will identify what spaces are going to be mothballed. If the spaces are going to change at any time in the future, Mr. Surtees will have to approve. There will be a running site plan and square footage list to ensure that there will never be less than 8,000 square feet being decommissioned.

All of the township professionals were sworn in.

Mr. Burgis commented that the site plan is used to delineate the space that is mothballed.

Mr. Campione said that the HVAC system will be screened.

He advised Mr. Dobromilsky that the pavement will be the same decorative pavement as in application PB19-04.

Michael Fowler, P.E., Langan Engineering and Environmental Services, presented **Exhibit A3, Overall Aerial Plan for Kohl's Outparcel**, Revision 2, Dated June 3, 2019. The property is zoned in the B3 Business District and is located at the intersection of Route One and Quaker Bridge Road. Block 7, Lot 78.02 runs from the former Kohl's to Dick's. The outparcel building is proposed to go directly opposite the former Kohl's building. Currently, the area is a generally unused parking field.

**Exhibit A4, Site Plan for Kohl's Outparcel Building**; Revision 2; dated June 3, 2019.

An 8,000 square foot building divided into four tenants is proposed. The building is surrounded by sidewalk on three sides. The front sidewalk is 15 feet deep due to foundation landscaping in the front of the building.

There will be wing walls on the back of the building to screen the loading area. The material will be the same as the building. The service area in the back is 20 feet wide and runs the full length of the back of the building.

A "Vehicle Maneuver Plan" was submitted and shows fire apparatus can go around the building.

The outparcel building is being built in a parking area, resulting in the loss of 67 parking spaces. When the development is complete, there will be a total of 5,543 spaces, where 6,121 spaces are required.

The trash compactor will be placed in the corner near the intersection of Nassau Park Boulevard and Patriots Way. It will be a masonry structure with a steel gate and will be protected on the interior with bollards.

In addition to sidewalks around three sides of the building, there will be a sidewalk connection from the front of the proposed building over toward the existing sidewalk on Patriots Way. This connection provides access to anywhere in the center.

**Exhibit A5, Landscaping Plan of Kohl's Outparcel, Rev 2.** A total of 16 trees will be removed; five along the back and side perimeter and eleven within the parking lot islands. Fourteen shade trees, mostly Maples, will be added in the parking islands. Also, 80 Red Cedar and low lying plants and ornamental grasses will be planted around the back to provide screening of the service area in the rear.

The parking area is sloped, so grading will take place. A retaining wall will be proposed at the rear parking.

The transformer is located behind the screen wall in the loading area. There are buffers along Nassau Park Boulevard and Patriots Way. Also a number of trees with lower shrubs will be planted along the roads.

A waiver is being requested for a decrease in the dedicated pedestrian area to 17%; whereas 18 % is required. Also, asking for a waiver for open space; 29 % exists and is proposed; whereas 30% is required.

A variance is requested for MIC; currently at 57.89% and will be 57.91 % after the Gateway improvement. Fifty percent is maximum permitted.

Water quality and quantity for recharge does not need to be addressed since the impervious surface is not increasing. A catch basin and pipes will be provided that will discharge the existing system to the rear.

There is an area in the southwest corner where the grade elevation is different and will be corrected.

There are four existing light poles, two on the island in front that will remain as is to illuminate the area. Two poles in the back will remain in the same horizontal location. Illumination in this area averages 4.2 foot-candles, where .5 is permitted.

The building lighting is the same as the Gateway. The wall sconces are small at 16x6 with no shield on top. The lighting has no impact on the neighboring property. Lights will be on from dusk to dawn.

There is a bus stop at Nassau Park Boulevard and Patriots Way that will remain as is.

Typical hours of operation will be 9 am to 10 pm

Approval was given for an additional monument sign on the corner of the boulevard. This sign cannot be put on the opposite corner, as previously discussed, because it is Bristol Myers Squibb property. Also, there are underground electrical wires for traffic control signals on that corner.

Karl Pehnke, PE, from Langan Engineering and Environmental Services, said they are not changing the circulation system or points of access.

The challenge with signage is to compete in a big box environment and notify drivers where tenants are located.

Parking is an overall improvement for the center.



Sean Moronski, Langan Engineering and Environmental Services, went over the variance for MIC. This can be granted under the C2 criteria. The decrease in impervious surface will provide additional opportunity for planting and greenery.

He also went over the nine waivers and the justification for each one:

1. Removing 67 parking spaces. This portion of the parking lot is not frequently used and ample parking is available.
2. Average illumination of the parking areas will be lower than what is currently there. There is no adverse affect on neighbors.
3. Parking lot lights are on dusk to dawn. This is an existing condition
4. Ten signs are proposed, whereas eight are permitted. Ten are needed to allow for identification of tenants on all four walls of the site. Center tenants will each have two signs, front and back, and end tenants will have a front and back sign, as well as a sign on the outside wall.
5. Wall sconces will not have shields. They are decorative and do not throw off a lot of light.
6. Wall signs are needed for maximum visibility.
7. Letter height of 24 inches provides greater visibility and flexibility in design for tenants.
8. Existing conditions regarding pedestrian space are not changing as a result of this application.
9. Existing conditions regarding dedicated space are not changing as a result of this application.

Mr. Moronski said that with these waivers, the condition of the site will remain satisfactory.

All of the professionals were sworn in.

Mr. Burgis had no additional comments.

Mr. Guzik commented on some items on his June 18, 2019 report that require action on the part of the applicant.

Item 2.02, Mr. Fowler agreed to address the necessity of keeping all of the lights on all night or designate some to be turned off.

Item 4.03, one of the notes regarding the lighting needs to be changed to reflect testimony regarding turning off fixtures in the evening.

Item 6.01, requests the applicant to address the difference in the design of the solid waste and recycling enclosure.

Item 6.02, requires other outside agency approvals.

Mr. Dobromilsky said that comments two and three in his June 18, 2019 report could be conditions. They are the same as in the previous application.

Mr. Day went over Mr. Kochenour's report dated June 19, 2019.

Item 5 a, applicant will comply with handicapped parking signs.

The applicant will comply with Item 6 a., concerning the Van Accessible Plaque.

The applicant will also comply with Item 6 e, the markings of handicapped spaces.

Chair O'Brien asked about the Site Plan Checklist concerning the waiver request for an Environmental Impact Statement. Mr. Moronski said that given the size and scope of the proposal, relative to the overall size of the property and the shopping center, sufficient information has been provided for the board and the professionals to make an informed decision without having to submit an EIS.

Chair O'Brien said that Mr. Yates recommends approval of the application.

There were no public comments. Ms. Mandel made a motion to close the public hearing, seconded by Ms. GeEVERS. Motion approved by voice vote.

Counsel Baillie went over the conditions, variance and waivers.

The mothballed building will be identified at the time of the building permit and will be officially mothballed when the certificate of occupancy takes place.

There were conditions outlined in Mr. Guzik's, Kochenour's and Dobromilsky's reports.

There is a variance for the MIC being greater than 50%.

Mr. Moronski reviewed the waivers in his testimony.

Mr. Schectel made a motion to approve Application PB19-05 with one variance, nine waivers and various conditions. Seconded by Mr. Karp. Motion approved, 9-0, by roll call vote. There were no abstentions.

With no other business before the board, Chair O'Brien adjourned the meeting at 10:41 pm.

Respectfully submitted,

Terri Jany  
Recording Secretary