



WEST WINDSOR TOWNSHIP

DEPARTMENT OF COMMUNITY DEVELOPMENT DIVISION OF ENGINEERING

MEMORANDUM

TO: West Windsor Township Planning Board

FROM: Francis A. Guzik, PE, CME
Township Engineer/ Director of Community Development

DATE: March 9, 2021

SUBJECT: **Teachers Insurance and Annuity Association for the Benefit of its Separate Real Estate Account - MarketFair**
Minor Site Plan
Block 7.15, Lot 14.04
#3535 US Route 1 (Brunswick Pike) and Meadow Road
PB20-11

Documents Received/Reviewed:

The following documents have been submitted for review:

- A. Plans entitled "Minor Site Plan Application. – MarketFair – Tax Map Lot 14.04, Block 7.15, Sheet 7,04, West Windsor Township, Mercer County, New Jersey" prepared by Princeton Junction Engineering, Inc.(D. Geoffrey Brown, PE&LS and Kevin M. Brakel, PE), dated October 15, 2020, revised through February 17, 2021; consisting of four (4) sheets;
- B. Plans consisting of colored plan views and elevation renderings prepared by Bergmann, dated October 2020, revised through February 19, 2021, consisting of three (3) sheets;
- C. Plan entitled "Landlord Package" for Tommy's Tavern + Tap prepared by Urban Tectonics, LLC, dated February 19, 2021, consisting of one (1) sheet;
- D. Document entitled "Drainage Statement for MarketFair – Patio and Walk Expansion – 3535 Route 1, Lot 14.04 Block 7.15, West Windsor Township, Mercer County, New Jersey" prepared by Princeton Junction Engineering, Inc.(Kevin M. Brakel, PE),
- E. Development Application Package Including
 - Development Application
 - Site Plan Checklist
 - Addendum in support of the Application for Patio Areas at MarketFair

Narrative:

The applicant has provided a plan proposing the addition/expansion of three separate patio areas resulting in an increase of 1,355 square feet of impervious surface at MarketFair, broken down as follows:

- A 428-square foot expansion of the existing outdoor patio at Tommy's Tap + Tavern (Suite 370);
- A 455-square foot net expansion of existing and previously approved impervious surface west of Qdoba (Suites 177 and 179), including 500 square feet of existing and 247 square feet of previously approved for a net total of 1,202 square feet for the finished patio; and
- A 472-square foot net increase of the existing impervious surfaces outside of Starbucks (Suite 426), including the removal of the 691-square foot existing patio and walks and the construction of a 1,163-square foot patio and walks in its place.

In addition to the above, the applicant is also requesting to "bank" an additional 500 square feet of impervious coverage to be used to provide additional outdoor seating for a yet undetermined restaurant tenant that could be granted by administrative approval in the future. This yields a total of 1,855 square feet of additional impervious coverage requested on the property. The property already exceeds the allowed maximum improvement coverage.

To offset this increase in impervious coverage and avoid a variance, the applicant is proposing to convert fifty-eight (58) standard 9'x18' parking stalls to "compact" parking stalls at 9'x14'. This results in a reduction of 2,088 (58 x 36 sq.ft.) square feet of pavement and a reduction of 233 square feet of impervious surface overall.

In addition to the patio expansions, it is further proposed to add four 12'-high light fixtures around the patio and architectural improvements to the building wall adjacent to Pottery Barn as well as adding new landscaping between the patio/walkways and the mall driveway. The proposal for Tommy's Tap and Tavern also includes a low wall around the patio exterior and an open pergola-type metal truss covering over it. The trusses are to be outfitted with "Edison Bulb"-type LED lights and four (4) electric ceiling fans.

I have reviewed the documentation submitted and offer the following for the Planning Board's consideration. Commentary on the zoning aspects of the application are deferred to the Board Planner:

1.0 Minor Site Plan

- 1.01 Minor Site Plan Checklist Item 200-15.C.2)(e) requires the depiction of existing and proposed contours on the minor site plan. The applicant is requesting a submission waiver with the justification that the areas to be disturbed to construct the patios are already disturbed and that the grades of the adjacent improvements will not change. The plans include a note indicating the patios will be constructed to provide positive pitch away from the building at a minimum of 2%, "where feasible". To be addressed by the application is what will be done in areas where this won't be feasible. Pending testimony to the Board's satisfaction, and potential note changes, I have no objection to granting this waiver.
- 1.02 Minor Site Plan Checklist Item 200-15.C 2)(g) requires the location of all existing buildings, bridges, culverts, paving, lighting, signs or any other structures with grade elevations. The applicant is requesting a waiver from this item with the justification that existing grades will stay the same. I do not object to this waiver request with the exception of the comments on lighting contained in comment 1.06 below.
- 1.03 Minor Site Plan Checklist Item 200-15.C 2)(l) requires a tabulation of a proposed building's perimeter that fronts on a public or private street or on a fire apparatus space expressed in feet as well as a percentage of total building perimeter linear footage shall be indicated as part of the site plan data information contained on a site plan. The applicant is requesting a waiver from this item with the justification that the entire perimeter fronts on either an access drive or parking area cartways. I do not object to this waiver request.

- 1.04 I have reviewed the Drainage Statement issued by Kevin Brakel, PE of Princeton Junction Engineering. I concur that the slight decrease of impervious surface for the site will not have a detrimental impact on the functioning of the existing SWM system. The proposed improvements also do not trigger any requirement for additional SWM measures per the Township ordinance. The applicant should note that pending regulations will require the applicant to tabulate total site disturbance since 2004 in assessing stormwater management requirements on all future applications.
- 1.05 Current regulations 200-36.1 require that impervious surfaces be used for all drives and parking areas, except as otherwise required by 200-27B(1), and pervious surfaces shall be used for all other paved areas, including sidewalks, trails, courtyards, and other site amenities. The Urban Tectonics, LLC plan shows permeable pavers for the Tommy's Tavern patio addition, but other areas are proposed to be conventional concrete. The applicant has indicated that he intends to seek a design waiver from this requirement. Testimony to the Board's satisfaction in support of that request is required.
- 1.06 The following comments on the site lighting are to be addressed:
- a. Additional information on the proposed light fixture is required. The isolux distribution of the selected fixture and light source should be provided. Desired and achieved average illumination level of the patio area and walks should be provided.
 - b. Currently a metal halide fixture is indicated and the use of an LED one is recommended. In discussions with the TRC, the applicant advised that metal halide fixtures matching those used throughout MarketFair are proposed in order to achieve continuity of light temperature and color, which could not be achieved with new LEDs or retro-fitted LED fixtures. The applicant further advised that retro-fitting of all site fixtures with LEDs could potentially be contemplated in the future, which would include the currently proposed fixtures. Testimony shall be provided to the Board.
 - c. Only the Starbucks patio appears to get additional site lighting, while lighting of Tommy's patio will be accomplished via truss-mounted lights. Illumination needs for the other patio area is to be addressed in testimony.
- 1.07 The Bergmann plan calls out the low wall around the expanded Tommy's patio as 3'-8" "knee wall", while the Urban Tectonics, LLC plan identifies it as a 5'-high "planter wall" and the Minor Site Plan identifies it as a "3.7' planter wall". The applicant shall provide testimony on what is actually proposed to be constructed, and the referenced plans revised to agree.
- 1.08 Note 8 on Sheet 3 of 4 of the Minor Site Plan indicates that the proposed development will result in an increase of 1,855 square feet of impervious coverage, and must be revised to reflect the current proposal of a net decrease and banking of improvement coverage.

This completes the review of the referenced application documents. Other comments may be offered based on the responses to the above issues.

FG:IH
cc: Thomas Letizia, Esq. Applicant (Thomas.Letizia@troutman.com)



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

B U R G I S
ASSOCIATES, INC.

Principals:
Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, LLA, ASLA
David Novak PP, AICP

MEMORANDUM

To: West Windsor Planning Board
West Windsor Division of Land Use

From: David Novak PP, AICP

Subject: Teachers Insurance and Annuity Association, for the Benefit of its Separate Real Estate Agent Account
Minor Site Plan
Block 7.15 Lot 14.04
3535 US Route 1

Date: March 9, 2021

BA#: 3688.20

WWT#: PB 20-11

Introduction

The applicant, Teachers Insurance and Annuity Association, for the Benefit of its Separate Real Estate Agent Account, has submitted an application seeking minor site plan approval for three (3) new patio areas as well as a future fourth (4th) patio area. The site, which is identified by municipal tax records as Block 7.15 Lot 14.04, is located at 3535 US Route 1 in the B-2 Neighborhood Center Business District.

In addition to the application form and application checklists, the following has been submitted for review:

1. Minor site plan (6 sheets), prepared by Princeton Junction Engineering, P.C., dated October 15, 2020 (last revised February 17, 2021).
2. Patio plans (3 sheets), prepared by Bergmann, dated October 2020 (last revised February 19, 2021).
3. Tommy's Tavern and Tab Plan, dated February 19, 2021.
4. Addendum in support of the application.
5. Letter from Troutman Pepper Hamilton Sanders LLP, dated October 16, 2020.
6. Letter from Troutman Pepper Hamilton Sanders LLP, dated February 23, 2021.
7. Drainage Statement for Marketfair, prepared by Princeton Junction Engineering, P.C.

Property Description

The subject site is located within the northwesterly portion of the Township, near the intersection of US Route 1 and Meadow Road. The site has an area of approximately 27.54 acres and is irregularly shaped. It fronts along: US Route 1 and its offramp for approximately 1,700 feet; Meadow Road for approximately 430 feet; and Canal Pointe Boulevard for approximately 360 feet.

The site is presently developed with the MarketFair shopping center, as well as a freestanding P.F. Chang's restaurant. The main MarketFair building is setback approximately: 270.4 feet from US Route 1; 145.8 feet from the US Route 1 off-ramp; 324.2 feet from Meadow Road; and 190.3 feet from Canal Pointe Boulevard. The freestanding P.F. Chang's restaurant is located in the easterly corner of the site, approximately 122.0 feet from US Route 1.

Access to the site is provided by a number of driveways, including: a right-in and right-out driveway along US Route 1; a full movement driveway along Meadow Road; a full movement driveway along Canal Pointe Boulevard; and shared driveway and parking lots with adjoining Lots 12.07 and 14.03. Parking spaces are generally located to the north, south, east, and west of the main MarketFair building.

Surrounding land uses consist of: the Colonnade Point multifamily development to the northwest; an office, two (2) hotels, and a Brick House Tavern restaurant to the northeast; the Carnegie Center office development and the recently approved Princeton Executive multifamily development to the southeast; and the approved Woodstone multifamily development to the west. Please see the aerial at the end of this memorandum for an overview of the subject site and its surrounding environs.

Proposed Improvements

The applicant has requested minor site plan approval for additional outdoor patio space. The following is proposed:

Starbucks Patio Area

A new outdoor patio area is proposed near the existing Starbucks exterior entrance, which is located along the easterly façade of MarketFair. The applicant proposes to remove 691 square feet of existing patio/walk area and install 1,163 square feet of new patio/walk area. This represents a net increase of 472 square feet.

As per the submitted patio plans, eight (8) tables with twenty-six (26) seats are proposed in this area; however, as identified by the plans, this table/seat layout is diagrammatic only. New landscaping is proposed along the Pottery Barn as well as along the existing sidewalk. The blank wall between the Pottery Barn and the Starbucks will also be updated with green trellis panels with English Ivy. Four (4) new 12-foot tall lighting fixtures are also proposed in this area.

Tommy's Tavern Patio Area

An expanded outdoor patio area is proposed near the Tommy's Tavern exterior entrance, which is located along the northerly façade of MarketFair. The applicant proposes to increase the existing concrete patio area by 428 square feet. This expanded area will be comprised of a regimental red herringbone pattern. The entirety of the patio will be surrounded by a knee-wall which will have a height of 3'8". Steel trusses will be located atop the proposed patio area, which will have lighting and fans. Altogether, the outdoor dining area of Tommy's Tavern will have a maximum occupancy of forty-nine (49) people.

Qdoba Patio Area

An expanded outdoor patio area is proposed near the existing Qdoba exterior entrance, which is located along the westerly façade of MarketFair. The applicant proposes to increase the exiting patio area by 702 square feet, which consists of 247 square feet of patio space which was previously approved and never constructed as well as 455 square feet of new patio space. Altogether, the expanded patio space will have a total area of 1,202 square feet.

As per the submitted patio plans, sixteen (16) tables with fifty-eight (58) seats are proposed in this area; however, as identified by the plans, this table/seat layout is diagrammatic only. The patio area will be separated from the adjoining sidewalk by a "condition/barrier" which has yet to be determined. A small area of landscaping is also proposed along one edge of the patio. A small concrete pad to the south of the proposed patio area will also be removed.

Additional Future Space

The applicant has requested that five hundred (500) square feet of additional patio area be approved to be constructed in the future, as needed. This would be subject to administrative approval of the Director of Community Development.

Reduced Parking Space Sizes

To compensate for the impervious coverage generated by the aforementioned patios, the applicant has proposed to reduce the length of existing standard parking stalls, which are presently eighteen (18) feet, into compact length stalls, which would be fourteen (14) feet. These parking spaces are located to the west of MarketFair, along the intersection of Meadow Road and Canal Pointe Boulevard. Altogether, fifty-eight (58) spaces are to be reduced in size, accounting for 2,088 square feet for coverage.

Master Plan

As per the Township's 2020 Land Use Plan, the site is located in the Neighborhood Center Business (B-2) land use category, which corresponds to the B-2 District. This district generally permits retail stores and shops, personal service establishments, offices, eating and drinking establishments, and planned commercial developments. The areas which are currently located in this district are generally developed with larger commercial centers that include locally oriented goods and services, as well as goods and services which attract a more regional clientele.

The 2020 Plan notes that it is the intent of this land use category is to recognize and preserve the existing development pattern of the district. Where future development is proposed, it should be done so in a manner which promotes an attractive and unified design, meets the needs of both local residents and a regional clientele, and avoids negative impacts to the existing traffic patterns in the surrounding area.

Zoning

The site is presently located in B-2 Neighborhood Center Business District. The following table compares the proposed development's with the bulk standards of the B-2 District. Note that the B-2 District was recently amended to require a tract area of three (3) acres for planned commercial developments. This should be reflected on the applicant's zoning table.

Table 1: B-2 District Bulk Standards

| Regulations | Required | Existing | Proposed | Code |
|---|----------|------------|------------|---------------------|
| Min. Lot Area (ac) | 3 | 27.54 | 27.54 | 200-201A.(17)(a) |
| Mix. of Uses (#) | 3 | > 3 | > 3 | 200-201A.(17)(b) |
| Min. Lot Frontage (ft) | 250 | 924 | 924 | 200-201A.(17)(c) |
| Max. FAR | 0.21 | 0.203 | 0.203 | 200-201A.(17)(d) |
| Max. Imp. Cov. (%) | 60 | (ex) 78.90 | (ex) 78.90 | 200-201A.(17)(e) |
| Building Arrangement | | | | 200-201A.(17)(f) |
| Min. Lot Width | 250 | 680 | 680 | 200-201A.(17)(f)[1] |
| Min. Distance Between Buildings (ft) | 100 | > 100 | > 100 | 200-201A.(17)(f)[2] |
| Min. Front Yard Setback (ft) | 50 | 127 | 127 | 200-201A.(17)(f)[3] |
| Min. Side Yard (ft) | 15 | 83 | 83 | 200-201A.(17)(f)[3] |
| Min. Rear Yard (ft) | 15 | 34 | 34 | 200-201A.(17)(f)[3] |
| Min. Distance to Streetline (ft) | 50 | > 50 | > 50 | 200-201A.(17)(f)[4] |
| Min. Distance between Access Drive and Residence District | 50 | 120 | 120 | 200-201A.(17)(f)[5] |

Waiver Relief

Waiver relief is required from Section 200-36.1 which establishes that pervious surfaces shall be used for all paved surfaces other than drives and parking areas, including sidewalks, trails, courtyards, and other site amenities. The applicant has not proposed such materials.

Note that additional waivers may be identified by the Board's other consultants.

Planning Review

The following comments are offered.

1. Pervious Surfaces

As previously noted, waiver relief is required from Section 200-36.1 which establishes that pervious surfaces be used for all paved surfaces other than drives and parking areas, including sidewalks, trails, courtyards, and other site amenities. Thus, the applicant and the Board should discuss whether pervious materials can be utilized for any portion of the outdoor patio areas.

We note that the plan prepared for Tommy's Tavern indicates that the pavers will be pervious. We defer to the Board Engineer and/or Landscape Architect regarding this matter.

2. Estimated Number of Tables and Seats

It has been noted on the plans that the table and chair layout are diagrammatic and that the final layout will be determined by the tenant. The applicant should discuss whether an estimate could be provided as to how many tables and seats are envisioned in these areas.

3. Access

The applicant should provide information ensuring that adequate space for ingress and egress to MarketFair will be provided.

4. Compact Length Spaces

The applicant has proposed to convert fifty-eight (58) standard parking spaces into compact parking spaces. As established by Section 200-29M.(9), where parking for compact cars is provided as part of an off-street parking facility, such spaces shall not exceed one-third ($\frac{1}{3}$) of the total number of required parking spaces. As indicated on the plans, the MarketFair development requires 1,230 spaces. Thus, four hundred and ten (410) spaces are permitted to be compact. The applicant should ensure that the existing and proposed number of compact spaces does not exceed this limitation.

In addition to the above, Section 200-29M.(9) establishes that compact spaces shall "contain proper signage and markings so that use by standard size automobiles is discouraged." The applicant should provide a detail of the proposed signage and markings to accompany these spaces.

5. Proposed Lighting

As previously noted, four (4) lighting fixtures are proposed near the existing exterior Starbucks entry. No other lighting fixtures are proposed. We note that these fixtures will match the existing features at the MarketFair development.

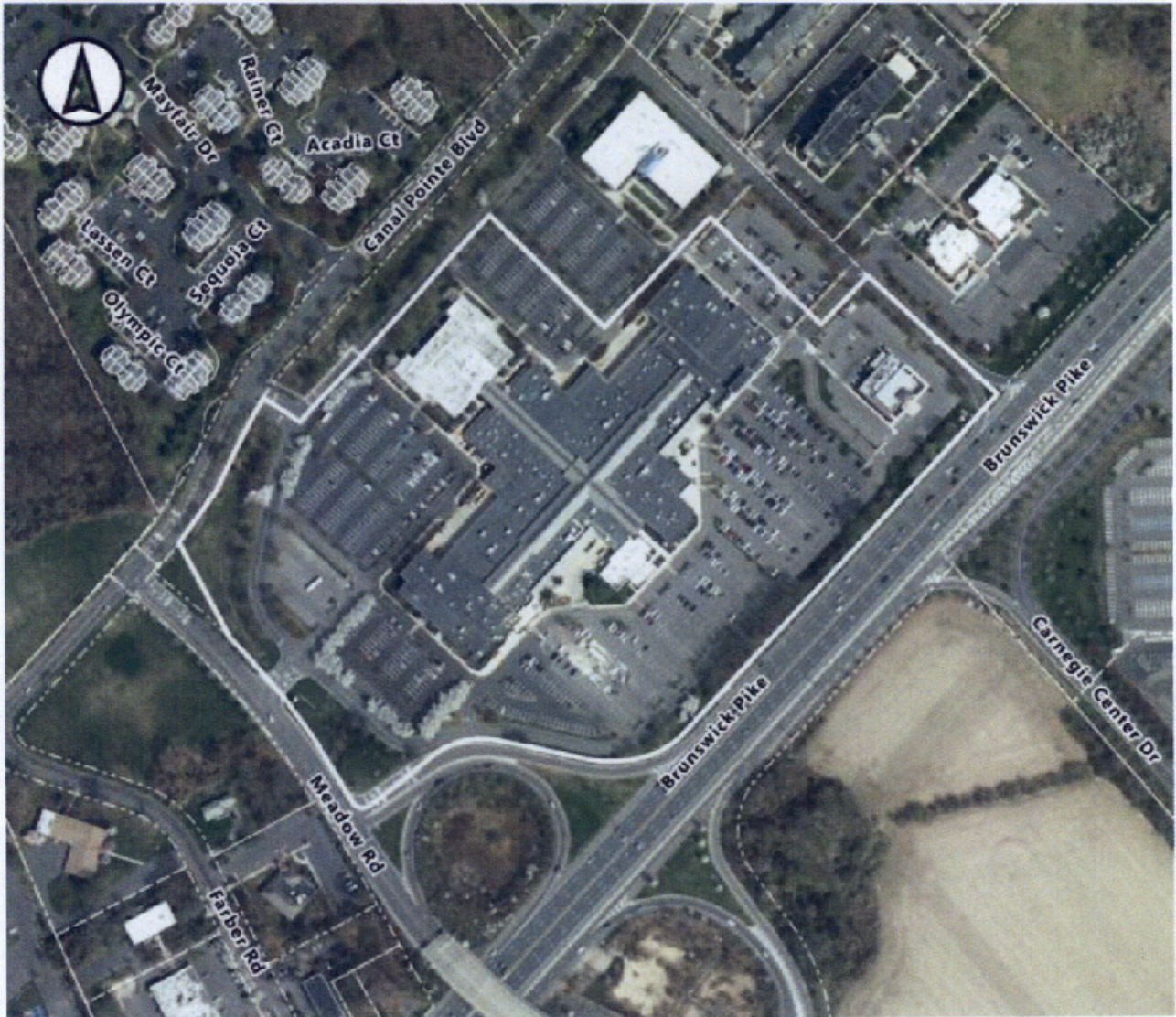
6. Additional Future Space

As previously noted, the applicant has requested that five hundred (500) square feet of additional patio area be approved to be constructed in the future, as needed. This would be subject to administrative approval of the Director of Community Development. The applicant should indicate whether any specific areas are envisioned for this space.

7. Public Safety

The applicant should be prepared to offer comments regarding public safety. Specifically, the applicant should discuss the landscaping, fencing, and planters that separate the proposed café areas from the traveled vehicular way. As previously noted, the barrier proposed along the Qdoba is "to be determined."

Map 1. Subject Site (scale: 1" = 350')



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Cc: S. Surtees, WWT CD
Lisa Komjati, WWT CD
Fran Guzik, WWT Engineer
Dan Dobromilsky, WWT Landscape Architect
Ian Hill, Consultant Engineer




WEST WINDSOR TOWNSHIP

DEPARTMENT OF COMMUNITY DEVELOPMENT DIVISION OF ENGINEERING

MEMORANDUM

DATE: March 9, 2021

TO: West Windsor Township Planning Board

FROM: Dan Dobromilsky, LLA,PP,LTE 
Township Landscape Architect

SUBJECT: **MarketFair** / Outdoor Dining Patios @ Tommy's Tavern; Starbucks; and QDoba
PB 20-11 / Minor Site Plan Application
Landscape Architectural Review Comments
Block 7.15, Lot 14.04, 3535 U.S. Route One

A site visit has been conducted and the plans submitted for this application has been analyzed. The following comments regarding the landscape architectural aspects of this proposal are offered for consideration by the board as this application is reviewed:

1. In concept, no concerns are offered regarding the location, extent, or variance relief required to implement these projects. Incorporation of consistent, decorative, construction materials and some landscape elements should mitigate the increase in hardscape surfacing. The applicant should describe these elements for each location relative to the existing elements.
2. The potential to incorporate small landscape planting areas and/or decorative pots and seasonal plants along the edges of these patios should be considered to enhance these spaces and reduce the feel of extensive pavement.
3. The Minor Site Plan notes indicate that the property owner will replace the any existing landscape plantings that have died over a three-year period subsequent to any approval for this project. Furthermore, notes on the plans indicate that the tree(s) to be removed to implement these improvements will be replaced in-kind by the tenants. Based upon these commitments these projects will maintain conformance with code standards and previous approvals for the landscape design at this center.

Upon request, additional comments may be offered based upon testimony and/or updated plan submissions.

cc: Applicant