

**West Windsor Township Zoning Board of Adjustment**

**Minutes – Regular Meeting**

**October 24, 2019**

The regular meeting of the Zoning Board of Adjustment was called to order at 7:00 p.m. on Thursday, October 24, 2019 by Chair Abbey 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 as required by law.

**ROLL CALL AND DECLARATION OF QUORUM**

Present: Susan Abbey  
John Church  
Michael Garzio (7:05)  
Curtis Hoberman  
Henry Jacobsohn  
Daniel Marks  
John Roeder  
Carl Van Dyke

**CHAIR'S COMMENTS & CORRESPONDENCE**

No comments were provided.

**PUBLIC COMMENT**

No comments were provided.

**RESOLUTIONS:**

- a) **ZB19-09 Alastair Bellany & Deborah Jaffe**  
**d-4 Use Variance**  
**211 South Mill Road; lock 24, Lot 7.05**

Motion was made by H. Jacobsohn to approve the resolution for ZB19-09, seconded by J. Church. The vote was 5-0 in favor. Motion carried.

FOR: Church, Hoberman, Jacobsohn, Marks, Abbey  
AGAINST: None  
ABSTAIN: None

- b) **ZB 19-07 JAMES M. KOPLEY**  
**"c" Bulk Variance**  
**Block 7, Lot 30; 580 Alexander Road**

Motion was made by Chair Abbey to approve the resolution for ZB19-07, seconded by C. Van Dyke. The vote was 6-0 in favor. Motion carried.

FOR: Church, Hoberman, Jacobsohn, Marks, Van Dyke, Abbey  
AGAINST: None  
ABSTAIN: None

### APPLICATION

J. Roeder stated that he listened to the recording of the discussion from September 26, 2019 and is qualified to vote.

- a) **ZB 18-05SP VCC PRINCETON JUNCTION LLC (continued from 9/26/19)**  
Preliminary/Final Major Site Plan; Bulk Variance & Sign Waiver;  
Extension of Prior Use Variance  
Block 12.04, Lot 8; 47 Princeton-Hightstown Road  
Property Zoned: RP-7 District  
MLUL: 10/25/2019

Kevin Moore, Esq., legal counsel for the applicant, asked the landscape architect to continue his presentation. Adam Alexander, landscape architect for the applicant, previously sworn in presented the buffer and lighting plan date 10/8/19 (Exhibit A-9) showing the fence detail. He advised that the chain link fencing is omitted and fencing with metal slats is proposed on top of the retaining walls and vinyl fencing is proposed around the playground. The plans will be revised to reflect this. The fencing will be four to six feet in height, six-foot vinyl fencing is proposed around the playground area and the four-foot fencing will be on top of the retaining wall. There are certain areas that are contiguous to the land and other areas that are slightly stepped. J. Roeder asked for a diagram.

Mr. Alexander stated that the wall will be colored concrete to compliment the architecture of the building, the grade of the land fluctuates therefore the wall will fluctuate. C. Van Dyke stated that sheet 4 of 17 shows that the wall is 7 feet high in the back of the property. Mr. Alexander presented the overall site plan rendering (Exhibit A-10) and stated in response to a question about the vegetation buffer the applicant will maintain the existing landscaping in back. The town landscape architect recommended to supplement the buffer near the adjacent properties. Cross sections were requested at the last meeting and Mr. Alexander presented a rendering of the existing and proposed view of the property as seen from the day care facility and from the center of the proposed two-story building (Exhibit A-11) dated 10/21/19. The exhibit also included detail of the distance from the property line of this parcel to the closest residence as being 320 feet.

Mr. Dobromilsky asked if the top of the wall can be seen by the public. Mr. Alexander responded that the public will see only the fence at 4 feet in height, there will be no visual of the retaining wall and that fence will only be seen from the play area of the child care facility.

Mr. Alexander presented four photographs showing the existing evergreens (Exhibit A-12) and advised that there is a substantial landscape buffer. Pictures of the existing landscape buffer taken from a drone were presented (Exhibit A-13), he advised that additional evergreens, shrubbery and trees are proposed for the buffer line. The new trees are proposed to fill in spots within the buffer line.

Mr. Alexander presented the lighting and photometric rendering (Exhibit A-14); all fixtures within the Group 1 area will dim at 11pm and Group 2 near the residences will remain on from dusk to dawn for safety reasons with minimal levels at the property line. Light fixtures on 14 foot stanchions are proposed, the light sources in the top-housing of the fixture will shine down and coupled with the landscape buffer the applicant believes there will be zero light visibility from the adjacent properties.

Chair Abbey stated that there were attempts to establish a line of Cherry trees along Route 571. Mr. Dobromilsky stated that some properties installed Cherry trees but there are a variety of trees along the roadway. Mr. Alexander stated that Cherry trees are proposed along Route 571.

Anthony Catana, architect for the applicant, was sworn in and stated that a 12,900 sf building is being considered for the child care facility. A covered entrance and play area is proposed and there will be emergency egress from every classroom. It will be a single story building appearing as a two-story structure with the tower element. The prevailing height of the structure building is 26 feet. A standing seam roof is proposed and the HVAC equipment will be inside of the building. The building will have a small Main Street look and it will be pushed up to the property line. He presented the floor plan of the child care facility (Exhibit A-15); elevations (Exhibit A-16); colored rendering (Exhibit A-17); and photographs of all adjacent properties (Exhibit A-18). The design is an attempt to stay in character with existing buildings in the area. Brick is proposed on the lower portion and the upper portion is a mix of stucco and hardie board with Azec trim and he presented an exhibit of the proposed brick material (Exhibit A-19).

C. Van Dyke stated that the peak of the child care building is 40 feet tall and questioned how this blends with surrounding buildings. Mr. Catana stated that there is one building that is similar in height, the PJ Pancake House in the Windsor Plaza shopping center. Mr. Catana stated that 90 square feet of signage is proposed whereas 50 square feet is permitted but the proposed signage fits the scale of the tower. He presented the floor plans of the two-story building (Exhibit A-20) and elevations (Exhibit A-21) and stated that the retail/residential building will be 2.5 stories, the first floor will be a mix of commercial spaces with apartments above. There are no tenants at this time but the size of each space is flexible. The proposed materials will be brick, hardie board siding and stucco. A pergola is proposed for an outside eating space along with bicycle racks. Fencing with a gate is proposed for the trash receptacle and he referenced Exhibit A-10. An outside social gathering space for the public is proposed. If a restaurant moves in as a tenant the public gathering space will not be used by the restaurant, it will remain a public space. He stated that all of the lighting will be LED and a partial green roof is proposed.

C. Hoberman asked about the signage for the child care facility. Mr. Catana stated that some of the letters in the sign will be 25 inches in height. H. Jacobsohn stated that the ordinance requires lettering of 18 inches in height and this should be provided. J. Church questioned why the tower must be so high, it appears much taller than the neighboring properties. Chair Abbey stated that all the stucco proposed for the building is what concerns her, she feels that the rest of the building is nice but the stucco brings the appearance down.

Brian Birks, Everbrook Child Care representative, was sworn in and stated that the maximum number of children at the facility will be 158 and the hours of operation are 6:30 am to 6:30 pm, Monday through Friday. Drop off times are between 6:30 am and 9:30 am and pick up takes place between 3:30

pm and 6:30 pm. UPS deliveries are typical for this use and no other truck deliveries are anticipated. He then described the licensing procedures for a child care facility.

Karl Pehnke, traffic engineer for the applicant, was sworn in and stated that a traffic impact study was done for another project in this area on 11/16/2018 and supplemented on 7/31/19 and 8/23/19. In 2018 when the study was done, it was his opinion that the traffic from this site was rather conservative. He stated that substantial improvements will occur off Cranbury Road, the driveway into the Ellsworth Shopping Center will be shifted so it is not in alignment with Carlton Place which will reduce points of conflict. Pertaining to the County improvements for Princeton-Hightstown Road, the design of the road had been determined and he advised that the County anticipates construction to begin during the summer of 2020. These improvements are substantial and the applicant fully supports the development occurring in this redevelopment area. There will be three lanes for traffic at the Cranbury Road intersection including a center turning lane so a safe environment is created for all of the projects in this redevelopment area.

Mr. Pehnke stated that two curb cuts exist on this parcel but the proposal is for a single curb cut. There will be one in bound and one out bound lane for this driveway and a secondary access along with an easement to access Carlton Place from the Princeton Ascend property. The applicant is designing an internal connection to the property south of this parcel in anticipation of future development.

Mr. Moore stated that the site is being designed with an access road in the back of the property to provide a continuous connection but the applicant has had no success in getting in touch with the owner of Lot 27. The easement with Princeton Ascend is in place.

Mr. Pehnke stated that peak traffic for a child care business differs from retail, since there is no activity in the evenings and the weekends. He stated that he anticipates an improvement to the intersection of Cranbury Road and Route 571 after County improvements are in place. The project is consistent with the redevelopment plan and the traffic impacts will not significantly change the operation and it will enhance the circulation. A few waivers are being sought including the number of loading spaces and parking stall sizes. Two loading spaces are required but the applicant does not feel that a loading space is needed for the child care facility therefore only one loading space is proposed.

Mr. Moore stated that signage for the retail space is needed and a monument sign is proposed. The sign will be 6 feet x 5 feet (Exhibit A-4) for a total of 30 square feet. David Novak, planning consultant to the Board, previously sworn in stated that panel signs are permitted at a maximum of 8 inches in height. Mr. Moore stated that the monument sign will be set back 15 feet from the curb line and this distance is needed to provide adequate site lines.

H. Jacobsohn stated that he is opposed to left turning movements out of this site. Mr. Pehnke stated that the County is designing the road with a center turn lane to support the success of this area without restrictions, there will also be gaps in traffic that will allow for left turning movements.

William Day, traffic consultant for the Board, was sworn in stated that if there are challenges for people to exit the site onto Route 571 there is another way to exit the property through Carlton Place. H. Jacobsohn stated that left turning movements onto Cranbury Road from Carlton Place is difficult during peak hour traffic. Mr. Surtees stated that left turning movements are permitted from the Princeton Ascend property. Mr. Moore stated that Mercer County Planning Board approval has been

granted for this project including left turning movements out of the site.

Chair Abbey stated the only time when left turns are difficult is during rush hour so she does not see a problem with this. C. Hoberman stated that it is good that there are alternatives for exiting the site if left turns are too difficult.

The meeting recessed for 10 minutes and resumed at 9:10 pm with all Board members in attendance.

Chair Abbey asked about the wall height and the lighting for the patio space of the residential building. Mr. Catana stated that the walls are nine feet in height and the lighting will be at that level or lower.

Chair Abbey stated that a large blank wall would be seen from Route 571 and suggested fake windows to break up the blank facade. Mr. Moore stated this can be done. Chair Abbey stated that this treatment is also recommended for the east elevation of the building.

Paul Grygiel, planning consultant for the applicant, was sworn in and stated that the variances required are all related to the uniqueness of the site. He stated that street frontage is not provided and cannot be complied with so landscaping is proposed. The two buildings cover most of the frontage and the facade is broken up into different sections. Pertaining to the C2 variance, there are no substantial impacts associated with this request, the height of the building is 2.5 stories and the applicant is willing to work with professionals to make the building appear as two stories. Mr. Grygiel stated that there are no negatives on the intent of the zone plan, design waivers are being requested for the signage, including letter height, number of monument signs and wall signage for the child care facility. Mr. Grygiel advised that signage for the stores will be perpendicular to the street. For the health, safety and public welfare, the development will be successful with visibility from the street. One monument sign is permitted but only if the building is set back more than 50 feet from the right-of-way. The proposed buildings do not meet this minimum setback so a waiver is being requested. The wall sign relates to the size of the 2.5 story building and there is only one use for the building, if a reduction of letter size is recommended this will reduce the size of the signage.

Mr. Grygiel stated a waiver is requested for loading spaces, only one space is proposed although two spaces are required. The applicant advised that only one space is needed for the businesses. Regarding the use of pervious and impervious surfaces, impervious surfaces are proposed for maintenance and safety reasons. Mr. Grygiel stated that there will be no light spillage, the lighting levels exceed the foot candle requirements but will not directly impact surrounding properties. He stated that shielded LED lighting is proposed within the parking lot. The applicant is trying to meet the ordinance for lighting but the current standard for lighting is different than what is required.

The meeting was opened to the public.

A. Syed, township resident, stated that he has great concern about traffic from his development, currently he is unable to make left turns from Sherbrook Drive. He feels that this is a dangerous road.

Mrs. Syed, township resident, asked the age of the children attending the child care facility and questioned what school system those children be bused to. Mr. Birks stated that there will be no buses at this location, the children would all come from this neighborhood. Some of the children will be school-aged but they are trying to phase this out therefore most of the children are aged 0 to 4 years

old.

Mr. Syed stated that people traveling on Route 571 towards Route 1 in the morning have to wait 10 minutes to go through the traffic light. Also, he anticipates 50 to 60 cars accessing the site to pick up their child during the evening peak hour traffic. The road is very busy in the morning, left turns are very difficult and he believes that bus traffic will add to the congestion. Chair Abbey confirmed that there will be no buses for the child care facility, and this can be a condition of approval

Eleanore Barone, 19 Berkshire Drive, stated that she also has concerns about an increase in traffic.

A.J. Paluso, Tradewinds Construction, stated that he is working on the Princeton Ascend property and asked if the cross over parking issue has been resolved. Mr. Moore stated that there will be no overflow of parking from this property, this was a part of the agreement.

Motion was made by C. Hoberman and Chair Abbey seconded the motion to close the public portion of the meeting. The vote was 7-0 in favor. Motion carried.

Daniel Dobromilsky, township landscape architect, previously sworn in, stated that the applicant has addressed all of his concerns. He did ask that the applicant to identify the anticipated location and screening of building utilities, meters and HVAC and requested construction detail for the refuse enclosure should be provided on the plan. Gates should be made of steel for solid screening. The applicant was also asked to provide an update regarding their discussions with the County about the coordination of road ingress, and streetscape improvements along the frontage of the property.

Ian Hill, engineering consultant for the Board, previously sworn in stated that a "c" bulk variance related to the proximity to the "build-to line" of Princeton-Hightstown Road for the child care facility, a sidewalk easement for a future sidewalk on Route 571 should be made a condition of approval. The accessible route on the westerly side of the access driveway to the Princeton Ascend property requires further revisions as the vertical change in grade must not exceed 30 inches and the ramp must not exceed 30 feet in length. Cross-access driveway connections to the Princeton Ascend property is proposed, a copy of the agreement should be obtained from the owner of lot 27. Due to the design values being extremely close to the target numbers, the applicant was asked to provide an as-built of the underground detention/ infiltration system. An additional sanitary sewer design flow allocation must be requested and granted by Township Council.

Mr. Day requested that the applicant provide their fair share contribution and all the trees within the site triangle must be pruned.

Mr. Novak stated that the applicant has addressed most of his comments. He recommended at least two feet of landscaping surrounding the monument sign and additional fascia detail should be incorporated.

Mr. Birks stated that the child care facility will have a van that will be used to pick up 8 to 12 children, the driver of the van will safely escort the children into the school.

Chair Abbey recommended that the applicant enter into a redevelopment agreement with the town. The light levels in the blue zone must be reduced at 11:00 p.m. and the fences will be ornamental fencing in black metal and white vinyl. The landscaping at the rear of the property should be supplemented with

evergreens and the waiver for not requiring trees in the parking area is granted. A waiver is also granted pertaining to permeable pavers not being used.

The applicant is required to work with the County on sidewalk improvements and plantings two feet deep around the monument sign must be provided as it is required by ordinance.

H. Jacobsohn stated that he was worried about the safety of the people and left turn movements out of the site.

Motion was made by J. Roeder to approve the proposal; motion was seconded by C. Hoberman. The vote was 6-1 in favor. Motion carried.

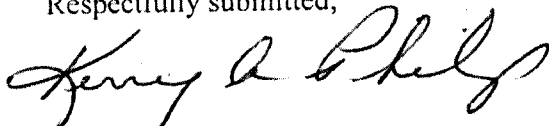
For: Church, Hoberman, Marks, Roeder, Van Dyke, Abbey

Against: Jacobsohn

Abstain: No one

Being that there was no other business before the Board, the meeting was adjourned at 10:10 p.m.

Respectfully submitted,



Kerry A. Philip  
Recording Secretary