

WEST WINDSOR TOWNSHIP PLANNING BOARD
REGULAR MEETING
May 22, 2019

The regular meeting of the Planning Board was called to order at 7:02 pm on Wednesday, May 22, 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 May 16, 2019.

ROLL CALL AND DECLARATION OF QUORUM

Linda Geever
Curtis Hoberman
Michael Huey
Andrea Mandel
Hemant Marathe
Simon Pankove
Michael Karp
Gene O'Brien
Allen Schectel- Alt I

There were no public comments on non-agenda items.

Minutes: March 13, 2019

Page 4, under Ordinance 2019-06, second paragraph, first bullet, "through out" should be throughout".

Page 2, sixth paragraph, first sentence, Mr. Schectel asked that "flow" be changed to "style".

Page 5, Ordinance 2019-02, sixth paragraph, "Miller's" should be "Miller".

Ms. Geever made a motion to approve March 13, 2019 minutes with changes. Seconded by Mr. Schectel. Motion approved by voice vote. Mr. Hoberman abstained.

APPLICATION: PB18-10

Chair O'Brien said this is a concept hearing pertaining to land that is adjacent to Route One on the northbound side.

Jason Hawrylak from Wisniewski and Associates, LLC, represents HSC WW LLC located at 3496-3500 US Route One. The property is 12.49 acres and currently located in the ROM-1 Zone. This property has been vacant since around 2006, meaning no major development has ever been there. A concept plan was submitted by the applicant to support a request to rezone the property from the ROM-1 Zone to a B2 Zone.

The plan presented shows a concept of what can potentially be built on the property if it were rezoned to B2. There are three proposed structures on the property; a one-story restaurant, a one-story Tractor Supply and retail store and a four-story hotel. If these structures were built in a B2 zone, the property would be compliant without use variances. The property is mostly surrounded by B2 zone properties.

Joshua Sewald, PE, PP, from Dynamic Engineering, explained why this property is inconsistent with neighboring properties and why rezoning would be appropriate.

Mr. Sewald said that they know the land is usable because a survey and wetland interpretation were done. However, finite details have not been completed, because the uses are not permitted in the ROM-1 Zone.

Exhibit A1 is a satellite image that highlights the three parcels known as Block 8, Lots 17, 24 and 30. It is 12.49 acres, 540 foot of frontage on Route One and 1000 feet deep. The entire property is in the ROM-1 Zone. To the north is the West Windsor Plaza, to the south is the Princeton Service Center, to the east is the Garden Homes Development, and to the west is Route One. Across from Route One is the Windsor Green Shopping Center.

Counsel Muller clarified that the Garden Homes Site is part of the Fair Share Plan that was just approved by the court. It is not under construction but was cleared years ago for development.

Exhibit A2 is a Conceptual Site Plan rendering dated May 22, 2019. The orange blocks are buildings, the gray/black area is pavement and the green is existing vegetation and proposed landscaping.

The first pad in the bottom left hand corner is a 9,585 square foot restaurant. This is the only pad where no tenant is signed up yet. The second pad is a 19,097 square foot Tractor Supply Company, already signed on. The third pad is an approximately 12,000 square foot, four-story hotel called The Wood Spring Suites.

Chair O'Brien asked about the eastern boundary line on the exhibit. Mr. Sewald pointed out that the concept plan shows enter-only driveway from the Garden Homes to this site. He said that his understanding is that part of the Garden Homes application required this.

Counsel Muller said that this came from a prior approval and there has not been a site plan application.

Mr. Sewald said that the back eastern portion is existing vegetation that will remain. They have a Wetlands LOI dated January 22, 2019.

There are 1,700 Tractor Supply stores across the country. They sell local farmer products, clothing, tractor and trailer parts, lawn and garden supplies, power tools, fencing, welding, sprinkle irrigation parts and riding lawn mowers.

Ms. Mandel asked about the outside areas. Mr. Sewald said there are three areas of display. One is a fenced area with larger products associated with fencing; second is a sidewalk display right in front of the building with seasonal products; and the third is a unique display area for recreational trailers.

Ms. Geevers asked if drivers will be able to see the Tractor Supply and hotel from US Route One. Mr. Sewald said the property is deep and narrow and on an acute angle along Route One. When driving in a northbound direction, you will not necessarily see every component, but you will see the four-story hotel. As you approach the property, you will be able to locate the driveway to turn safely into the property. There is no signage package yet, but there will be a panel for the three tenants.

Ms. Mandel asked if there will be walking access between this property and the two properties on either side. Mr. Sewald said that the township professionals asked for a pedestrian friendly plan and there are various sidewalks and potential cross access to neighbors on the north and south side.

Mr. Surtees added that the owners of the property to the north and south made a concept review application for redevelopment of their site and they are aware that there will be some pedestrian cross access.

Chair O'Brien asked about the two driveways that are shown on the plan for access to Lowes. He said that the cut-through closer to Route One would align with a traffic lane, whereas the other cut-through would necessitate Lowes to move some of the inventory that they have outside. The cut-through is needed because not everyone who is looking for the hotel is going to see it.

Mr. Sewald said that as a condition of the previous settlement requirement, the applicant is willing to provide enter-only into the site from Garden Homes.

Mr. Surtees explained that as part of the negotiations with Garden Homes, ingress only is permitted. To get out, you have to go back out to Route One and use the overpass.

Mr. Hoberman asked Mr. Burgis about the number of extended stay hotels in the area and how many hotels in a municipality is too many.

Mr. Burgis said that in this instance, market forces play out. Hotels are currently permitted in the ROM-1 Zone.

Mr. Hoberman asked if the restaurant will be able to get a liquor license.

Mr. Hawrylak said that there is an exception to the liquor license limit when there is 100 or more rooms in a hotel. The liquor license can be used by the hotel or by a neighboring stand-alone restaurant as long as there is some walking connection between the hotel and restaurant and common element design and ownership.

The hotel would have to make application before the township to make a request for the liquor license. Mr. Surtees added that the township would put it out to bid.

Mr. Sewald advised Mr. Pankove that a conference room or a restaurant will not be located in the hotel.

Ms. Geevers expressed concern that the extended stay hotel could possibly generate school children.

Mr. Sewald said that the market drive is business people, and the average stay is 22 days. He added that all of the units are one-room suites.

Mr. Surtees said he will talk to the Superintendent of Schools and ask if this is an issue with the other extended stays in the area.

Mr. Sewald explained that all three parcels are entirely in the ROM-1 Zone. Restaurants are permitted as an accessory use to development; retail is not permitted; and hotels are permitted as part of a mixed use planned development. What the applicant wants to do is not permitted in the ROM-1 Zone.

In the B2 Zone, permitted uses include retail stores, restaurants and taverns, and hotels with conditions.

The Lowe's property to the north is half in the ROM-1 and half in the B2 Zone. Farther to the south, Nassau Park Boulevard is in the B3 Zone. Windsor Green is in a B2 Zone.

The layout being presented, complies with the front, side and rear yard setback standards, FAR, and impervious coverage of the B2 Zone ordinance.

Chair O'Brien asked about the conditions are for the hotel.

Mr. Sewald presented data from the 2018 Reexamination Report of Master Plan Section 44, which talks about 2.1 million square feet of approved office buildings that have not been constructed yet. In 2015 and 2016, no building permits were pulled for new office development. In 2016, over 580,000 square feet of vacant offices remained.

Section 3 of the Master Plan Land Use Element references 1,300 acres in West Windsor in the ROM-1 Zone that remains undeveloped.

Section 5 of the Master Plan Circulation Plan Element talks about how the Board wants a reduction in the FAR to reduce the traffic impact to the Route One corridor. Page 2 of Section 5 talks about policy to reduce FAR and redefine uses such as retail that typically generates fewer in/out trips per acre than a conventional large office. Page 11 talks about reducing FAR specifically for the Research, Office & Limited Manufacturing Zones.

This shows that there are plenty of ROM-1 Zone properties. The corridor where this property is located is better suited for the B2 Zone. The property is below the FAR requirement for the B2 Zone. The Tractor Supply is not open during morning rush hour and is a low intensity retail facility; so it will not generate as much traffic as a standard retail shopping center.

Mr. Surtees advised that this tract is an isolated ROM-1 property with the recent rezoning of the Garden Homes property to the east.

Chair O'Brien said that in looking at the map, between this section of ROM-1 and the ROM-1 area that houses the Howard Hughes Corporation, there is a buffer land zoned R5C.

Mr. Burgis said that a number of pertinent issues were highlighted in terms of what the Master Plan reads and the Reexamination Report states. One issue is Land Use compatibility. It was made clear that what is being offered fits in with the adjoining properties. The second issue concerns traffic generation. Two of the three uses are not open during morning rush hour, which is a good thing.

Mr. Burgis is not sure that the hotel complies with the conditional use provisions of the B2 Zone and may require a conditional use variance. He suggested giving thought to a modified B2 Zone or a new zone. This would also require amending the Land Use Plan.

Mr. Guzik reported that most of the comments in his May 14, 2019 report deal with the concept plan only and do not address the rezoning issue. The comments made by TRC, since the start of the review of this project, have been complied with enough that the township has allowed the applicant to bring this concept plan before the Board.

Mr. Guzik said that a lot of the comments in the May 14, 2019 memo can be easily addressed by the applicant. They can request waivers at the formal site plan application, but it wouldn't significantly change the concept plan. Also, some of the environmental delineations in the report are not significant enough to change the plan.

Ms. Mandel asked about Item 1.01 in the memo concerning the wetlands covering close to 75% of the tract.

Mr. Guzik said he is comfortable that the LOI and the approved delineation plan will be provided to the township.

Mr. Jepson asked about the area designated as Zone X on the plan.

Mr. Sewald said that Zone X has to be identified on the plan, because it shows up on their survey and is on the flood insurance rate map. He also said that they are leaving the back area alone, because it is in a flood zone.

Mr. Dobromilsky's May 15, 2019 report says that a major portion of this 12.5-acre site is mapped as proposed Greenbelt in the Master Plan. The Greenbelt is set aside for preservation. From an environmental standpoint, there is nothing significant that the applicant would have to improve to move forward.

In response to Mr. Schectel's concerns that rezoning is being requested because the conditional standards for the hotel cannot be met, Mr. Sewald listed the following conditions that do comply:

- Minimum lot area required is 4 acres, 12.6 acres is proposed;
- Minimum lot width required is 300 feet, 538 feet is proposed;
- Minimum lot frontage required is 300 feet, 478 feet is proposed;

- Minimum yards required is the same established in the ROM-1 Park Development;
- Maximum FAR is well below required .3;
- Maximum building height required for four-story hotel is 45 feet, 43 feet is proposed;
- Minimum number of units required is 20, 128 units are proposed.

In addition, MIC requires impervious coverage no greater than 50 %; the whole development is 53.5%. Mr. Sewald is confident that the applicant can comply.

Mr. Kochenour, Traffic Consultant, said that the comments in his May 16, 2019 memo revolve around three major areas, the first being "Access." Some type of permit is needed from NJDOT to determine how much traffic will be generated. In the State Highway Access Management Code there is a provision for conforming lots that deals with spacing between the centerlines of abutting properties.

Mr. Sewald said that there is no restriction on conformance calculations, because the lot would be conforming. They have met with NJDOT to discuss the project. It is highly unlikely that NJDOT will deny access.

Mr. Kochenour would like more information to determine if the cross-access points are in the best locations. Looking at the aerial photo, the access that is significantly closer to the front appears to better align with the property to the north. He feels that one cut-through is sufficient.

The second issue is "Trip Generation." Mr. Sewald indicated that a full-blown traffic study will be done. One of the major reasons this was requested is now that the Capital Improvement Program is up and running, trip generation data will allow the township to assess the applicant's pro-rata share contribution.

The uses proposed will probably restrict traffic in and out of the site. To prove this point, Mr. Kochenour also asked for trip projections of the proposed retail, restaurant and hotel uses compared to typical uses associated with the ROM-1 Zone.

The third issue is "Parking." Mr. Kochenour took a look at the concept plan and tried to identify the parking as contiguous among the three uses. There are 95 spaces for the restaurant; 73 spaces for Tractor Supply, which is a little under the requirement; and the hotel is about 10 spaces short. The north side of the site would be a good location to bank parking.

Mr. Kochenour also asked the applicant to provide real time data for Tractor Supply, the restaurant and hotel.

Ms. Geevers asked if the traffic study should be done before consideration is given to changing the zone.

Mr. Kochenour advised that NJDOT has no concern with zoning, only concerned with how much traffic a property will generate.

Mr. Karp asked how a garbage truck and a tractor-trailer will get in and out of the site for collection and deliveries.

Mr. Sewald said that part of the engineer layout is to ensure that a delivery truck can service all of these tenants. The largest tractor-trailer you can get on the road will be able to enter the driveway. Coming northbound on Route One, right turn into the driveway, another right into the Tractor Supply pad area, left and backup to a steel ramp that services the forklift in the back of the store. The trucks come once or twice a week. The ingress will not be restricted for delivery only, but we do not anticipate that hotel guests will make the immediate right into the driveway. The township professionals can make some recommendations for signage.

Mr. Huey asked who is responsible for security. Mr. Sewald advised that there will be cameras around the hotel, and the gates around the outdoor products area of the Tractor Supply facility will be locked. The full site plan application will show that there will be adequate lighting. The whole property will not be illuminated after hours,

but the path between the hotel and restaurant will be lit up.

Mr. Schectel asked Mr. Kochenour for more information on the parking rates. Mr. Kochenour explained that there are two codes, one space per 200 square feet or one space for 350 square feet. The applicant chose the latter. Mr. Kochenour is concerned that the outside storage area will draw more traffic into the site, and it may be better to use one space per 200 square feet. However, the ordinance excludes outside storage unless it is enclosed.

Mr. Sewald advised that in working with other Tractor Supply stores, 70 to 75 parking spaces is an optimal number. The outside storage area does not generate the additional floor area generally seen in retail. Typically, there are 20 cars in the parking lot. We are being generous with 70-75 spaces to ensure enough parking on the Saturday rush to get products and during seasonal promotions.

Hotel parking is pretty straightforward at one space per room and one or two spaces per employee. The number of spaces, 120 to 140, is based on full occupancy and full staffing.

The restaurant tenant is speculative at this point. However, the number of parking spaces is driven by the number of seats. As Mr. Kochenour mentioned, bank parking is a good idea to accommodate this future unknown tenant. In general, the overall center is well parked.

Counsel Muller clarified the ordinance concerning the rate. The parking requirement for a retail business in a shopping center is one space per 200 square feet. One space per 350 square feet is for individual retail. A shopping center is defined as having three or more retail uses.

Ms. Geevers asked if township approval is needed for the seasonal sale of chicks. Counsel Muller said that this should be addressed. Mr. Surtees said that pet stores can be listed as a permitted use.

Chair O'Brien advised Mr. Sewald that any rezoning of this tract is dependent upon a new Land Element. The goal is to have this done by the end of 2019. Mr. Sewald said that the applicant is looking at the year 2021 as the start date.

Mr. Huey asked Mr. Guzik about a comment in his report concerning the water basin not being large enough to manage storm water. Mr. Guzik said this is not a significant impact, because there are so many other green space areas on the property that could accommodate storm water management. Also, there is a lot of parking lot area, so if needed, this could go underground.

Mr. Jeffrey Bisk, resident of 101 Lassing Court, lives within walking distance of this property. He asked for cross easements with the adjoining properties at the main ingress and egress.

Mr. Sewald said that he cannot speak for the other property owners, but the applicant has no problem with this request.

Ms. Alison Miller, Council President and resident of 41 Windsor Drive, said that assuming the Planning Board approves the zone change, one of the issues that will come up at Council is the number of hotels in West Windsor. She is asking the Board for a hotel analysis that Council can review.

Mr. Aaron Brotman from Sills, Cummis and Gross, represents the West Windsor Plaza Tenant Association, which includes Lowes, Pier I, Trader Joes, and Mattress Firm.

Mr. Brotman is concerned with the applicant requesting a zone change before meeting with NJDOT and submitting a traffic study. He said that in the past, when dealing with other contractors, NJDOT has requested an extension of the Jersey barrier on Route One near his client's location. This could cause an access problem for his client.

Mr. Sewald said that the proposal to NJDOT is not to extend the Jersey barrier, just to extend the striping. This was not formally presented, but they did have communication with NJDOT, and they did not seem to have an issue. He also said that the rezoning and the traffic study are two separate issues.

Mr. Brotman said his client is also concerned over the parking near the restaurant being half of what is expected. He wanted to know if there are any protections in place preventing restaurant patrons from parking on his client's property. His client's will not support cross access easement.

Mr. Sewald said that applicant does not need cross access; however, that was recommended by the Board's professionals.

Mr. Robert Korkuch, PE, PP, with Act Engineers, represents Onyx Property, the owner of the property to the south. He has participated in discussion with NJDOT and prior developers interested in the property. The concern is with the geometry of the frontage of this property. Traffic exiting this property would try to weave and crossover to get out to Route One. NJDOT said that in order for them to consider access onto this property, the use would have to be very low traffic generating. NJDOT is also concerned that, if there were a barrier or striping, drivers would weave through those motions and move the problem farther south. Prior developers have walked away because they cannot address this to the satisfaction of NJDOT.

Mr. Hoberman asked if the issue of the frontage road would be part of the discussion on the Circulation Element of the Master Plan.

Mr. Surtees said this is a state road so it is up to NJDOT to configure the lanes and roads. Mr. Kochenour will have discussion with NJDOT and the County so that the Planning Board will know the intentions of NJDOT for Route One.

Mr. Schectel suggested there be arrows on the north side like on the south side.

Mr. Pankove made a motion to close the public hearing; seconded by Mr. Schectel. Motion approved by voice vote.

Ms. Mandel is concerned over what could be spot zoning. Counsel Muller said that spot zoning can easily be handled.

Mr. Hoberman is generally fine with the proposal. He is concerned with hotel saturation in West Windsor and would like this to be considered.

Ms. Geevers pointed out a couple of things on Mr. Burgis' report. On page 5, under "Permitted and Conditional Uses", Item 1, should not include "one household" in this sentence. Item 6, "Motels" should be deleted since no motels are being built. Item 9, "Billboards" may be permitted in Zone B2.

Mr. Burgis stated that this is another reason to reexamine the entire zone and provisions.

Ms. Geevers again brought up her concerns with the hotel being an extended stay and the impact this could have on the schools. Chair O'Brien said that there is nothing in the ordinance about length of stay. Mr. Surtees will reach out to the Superintendent of the Schools.

Mr. Sewald added that it is his understanding that you must be a permanent resident to go to school in that district. This is temporary living.

Mayor Marathe supports the proposal. He does understand the concern of the neighbors. He is not concerned with children from the extended stay hotel going to West Windsor schools. Other less expensive rental options for families who need a place to live are available.

Mr. Schectel said that the concept plan lacks clarity in the ordinance for parking. The overall plan should include more detail on protecting pedestrians.

Mr. Huey shares the same concern over hotel saturation.

Mr. Karp likes the overall look of the concept plan. He likes that the site will be utilized. He does not see any issues with traffic turning in.

Chair O'Brien said that he generally likes the layout. A few minor issues have been identified that need to be worked out. The egress and ingress to the north is the biggest challenge.

With no other business before the board, Chair O'Brien adjourned the meeting at 9:50 pm.

Respectfully submitted,

Terri Jany
Recording Secretary