

WEST WINDSOR TOWNSHIP PLANNING BOARD  
REGULAR MEETING  
July 10, 2019

The regular meeting of the Planning Board was called to order at 7:01 pm on Wednesday, July 10, 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 July 5, 2019.

**ROLL CALL AND DECLARATION OF QUORUM**

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

There were no public comments on non-agenda items.

**Minutes:** May 22, 2019

Ms. Geevers pointed out that on Page 3, ninth paragraph, "possible" should be changed to "possibly".

Mr. Pankove made a motion to approve the May 22, 2019 minutes with one change. Seconded by Ms. Mandel. Motion approved by voice vote. Ms. Appelget abstained.

**Application PB19-11: Carnegie Center Building 302-Solar Project**

Kevin Moore, from Sills, Cummis and Gross, represents Ameresco, Inc. The applicant is proposing five canopies over the Building 302 parking lot, Block 9, Lot 90 on the tax map. This building is located in the ROM-1 Research Manufacturing Zone.

Three witnesses for the applicant were sworn in.

Kate Watson Wagle, Director of Distributive Scale Solar Product Development, Ameresco, Inc., said that the Building 302 project is expected to produce 835,380-kilowatt hours of electricity in its first year. This is enough to meet 71 % of the buildings total energy consumption over one year. This will have the effect of removing 125 passenger vehicles from the road or planting 9,768 tree seedlings.

Sub-contractors are subject to all the same safety programs as Ameresco, Inc. Ameresco has received the National Safety Council's Occupational Safety Excellence Achievement Award and the National Safety Council Industry Leader Award. When construction starts, staff is ready to prepare the site utilization plan and provide safe access to the building.

Michael Thomas, P.E., T&M Associates, presented several exhibits.

**Exhibit A1:** Overall Carnegie Center Master Plan,

**Exhibit A2:** Aerial and Isometric Views of Solar Array Canopy for 302 Site,

There were nine sheets included in a handout,

**Exhibit A3:** Landscape Rendering of 302 Site, revised June 19, 2019; Mod 5 Exhibit

**Exhibit A4:** Site Plans. These were given to the Board.

Building 302 is located on the east side of Carnegie Center, south of Carnegie Center Boulevard and east of US Route One. It is part of the Phase 2 Development that occurred in Carnegie Center East and covers most of the southern portion of Carnegie Center East.

A variance for front yard setback is being requested. The front yard setback is fronting on numerous sides of the property; US Route One to the west, Carnegie Center Drive to the south, and Carnegie Center Boulevard to the north and east. It is surrounded on all sides by a right-of-way or existing driveways.

A 100-foot setback was applied all the way across the building. The building is 60,888 square foot gross floor area. There are 223 parking spaces that will be unchanged.

The arrays are 43.08 feet from the setback line. There is a violation of that setback along US Route One as well.

Mr. Moore said that there are several different setbacks that need variances, ex: a variance is needed for impervious coverage and the space between arrays.

Building 302 is not part of the bike share program. However, there are programs in the 200 and 500 series buildings.

The main traffic flow comes from US Route One to Carnegie Center Boulevard, onto Carnegie Center Drive, into the site.

A ground penetrating radar survey showed that the existing utilities do not conflict with the proposed column locations.

Sheet 4 of 16 in the Plan Set shows that 71 trees will be removed because of shading impact on the site. The trees will be replaced at a ratio greater than one-to-one.

Sheet 5 of 16 shows a total of five arrays are proposed on this site. Four of the arrays are pointed generally in the same direction and run alongside the parking lot with Carnegie Center Drive. The C1 array is on a 45-degree angle and located farther to the west of the other four.

Mr. Hoberman pointed out that Sheet 5 shows the C4 array pushed over at least one parking spot away from the entranceway. Mr. Thomas explained that there is limited space, so in order to get the necessary generation of solar power and avoid existing utilities, this array had to be pushed over.

The canopies are supported by Steel I beams. Concrete foundations are flush with the existing pavement and extend deep into the ground. Four of the canopies are of the smallest size, 46.9 by 119.29 feet and the C4 canopy is larger at 46.9 by 238.62 feet. The minimum clearance height of the canopy is 14 feet,  $3\frac{7}{8}$  inches, and the maximum height is 20 feet by 6 inches.

The canopies do span the drive aisle in a couple of locations. However, unlike Buildings 101 and 701, Mr. Yates is not requesting a standpipe on this site. The truck turning template that was provided shows that trucks can circulate around the site. The canopies meet NJDOT minimum clearance height to allow a truck or other type of vehicles to pass through the site.

Due to the location of the individual canopy columns over existing vegetative areas, there is an increase of approximately .27 % of impervious coverage on the site. No new impervious surfaces are being added to the site. Since the increase in impervious coverage is so slight, the increase in storm water runoff is also very small.

Chair O'Brien pointed out an error on Sheet 5. Mr. Thomas said that Note 3 will be corrected to show 3.21 acres of impervious coverage.

The canopies provide structural stability of 30 pounds per square foot for snow loads.

The proposed lights are located on the underside of the array on either side of each column. These canopies are a little lower in elevation from the existing 25-foot lights that are there. In order to make the brightness of the lighting comparable to that of a 25-foot light, additional lights are included. The lights will be on from dusk to dawn. The applicant will conform to items in Mr. Guzik's comments concerning lighting levels and providing an accurate photo metrics plan. The lights will point down in one direction and outside shields will be provided to reduce lighting levels.

As for landscaping, after meeting with Mr. Dobromilsky, the original plan was changed. Under the new plan, the ratio for replacement of trees will be 1.08 to 1.

Exhibit A3 does not provide a specific species of trees. One of the major landscaping concerns is along Carnegie Center Drive, where several of the trees identified to be removed would break up uniformity. There is a bit of an open space on the Route One side of the site where Mr. Dobromilsky has recommended clusters of about 25 or more Evergreen type plantings, not to exceed 15 to 20 feet in height. These clusters will screen the C1 array that is on a 45-degree angle.

Mr. Dobromilsky also recommended trees be staggered along Carnegie Center Drive to create double rows of trees. Groupings of additional Evergreen plantings will be placed behind the double rows.

There will be at least three trees planted on the end islands. Grasses, plantings and other flowering shrubs will be planted in the long landscape strip underneath the parking area. There will be additional plantings along the perimeter of the parking lot.

Mr. Thomas advised Mayor Marathe that the individual column locations shown on Sheet 5, specifically for arrays two through five, are located in the landscape islands.

To address Ms. Appelget's concerns about watering the vegetation located in the parking area, Mr. Thomas said that drought and shade resistant plantings will be selected. He also said that downspouts will discharge into the grass areas, however, the plantings will not really need that water to survive.

A waiver is being requested to remove the sub-surface storm water collection system and install downspouts on the inside of the arrays. The downspouts will be protected on the end with a splash block or stone protection that will be located perpendicular to the front of the parking space. Wheel stops and signages will be in front of column locations as necessary.

Mr. Hoberman said that Mr. Dobromilsky's report differentiates shade trees and street trees. He asked if the 77 proposed trees under the new plan distinguishes these two types.

Mr. Thomas explained that the trees along Carnegie Center Drive are not the same as the existing canopy trees that are there today. They are trying to recreate this to include a double row of trees along Carnegie Center Drive.

Ms. Appelget asked if the height of the trees will impede the solar arrays. Mr. Thomas said that depending on proximity to the arrays, anything over 20 feet generally will have a direct impact.

Ms. Mandel asked about Sheet 4, where the drawing shows existing pavement is being removed.

Mr. Thomas said that pavement is being removed in this area to install electrical lines and will be restored once utilities are installed.

Sheet 13 is a section view of the canopy. The foundation of the canopies is buried underground. There will be opportunity for vegetation right up to the edge of the steel column locations.

Mr. Moore said that the applicant has agreed to the submission waivers from the checklist items in Section 1.02 of Mr. Guzik's June 3, 2019 report.

Martin Truscott, PP, T&M Associates, described the variances and waivers for this application.

Variances:

1. Separation of solar panels. The ordinance requires separation of 35 feet, whereas the panels range between 19 to 23.5 feet apart. The ordinance is geared toward separation between buildings and not solar canopies, which are open structures.
2. Setback for the right-of-way off of Route One. Setback of 125 feet is required and 75 feet from the landscape buffer. Array C1 is 43.88 feet from the Route One right-of-way.
3. Setback of solar panels from Carnegie Center Drive. Minimum of 100 feet is required; proposing 73.44 feet for array C5 and 73.89 feet for array C4.

The township professionals were all sworn in.

Chair O'Brien asked if a variance is needed for structures in the front yard.

Mr. Novak said that the testimony from the applicant is correct concerning the front yard setback. A variance is not required for having an accessory structure in the front yard.

Waivers:

1. Removing sub-surface storm water system and installing downspouts.
2. Average .5 foot-candle is required, proposing up to 2.2 foot-candle.
3. The number of shade trees required is two per ten parking spaces. There will be a lesser number of shade trees.
4. Preservation of existing shade trees.
5. Preservation of existing shade trees in landscape buffer.
6. Buffering to be primary understory on perimeter of the site.

Counsel Baillie added another waiver for not replacing trees with shade trees.

Mr. Novak commented that the applicant is meeting positive criteria. As for negative criteria, he would like to hear Mr. Dobromilsky's comments.

Mr. Guzik went over the following items from his June 3, 2019 report.

Item 1.01, there are some minor items from the site plan checklist that are incomplete. Mr. Moore said that the applicant will comply.

Mr. Thomas advised Mr. Guzik that existing bicycle parking will be shown on the site.

Item 2.01, Mr. Guzik asked for verification that there are no AC combiners proposed in the parking lot and that the combiner at the building will be screened.

Item 2.02 and 3.01 is concerning safe access to the building from the parking lot during construction. Plans will be provided at the pre-construction meeting.

Items 4.02, 4.03 and 4.04, waivers were requested for these items, so comments are no longer applicable.

Item 5.01, the applicant agrees to shield the lights.

Item 5.02 e, the lights will be on timers and lit from dusk to dawn.

Wall mounted fixtures will be applied to the canopy in the same way as in the other applications.

Item 6.02, a cost estimate or performance guarantee will be submitted to the extent required.

Ms. Geevers asked about electrical vehicle charging stations. Mr. Ricciardi, Associate Counsel, for Boston Properties, said that there are no plans for charging stations at Building 302. There is only one building and the occupants of this building can use the charging stations across the street.

Mr. Kochenour went over his June 3, 2019 report. He said that the truck turning plan identified locations where there is an encroachment on the island. Mr. Thomas will adjust the template to show that the solar panels are high enough for fire trucks to pass through.

He also commented on Mr. Thomas' testimony that wheel stops may not have to be used since the columns will be put within islands. However, the C1 array columns are closer to the curb line, so wheel stops may be needed at the locations that are too close to call.

Mr. Dobromilsky said that the new landscape plan has changed a lot of the statistics in his May 31, 2019 report. There are two main differences in the Building 302 site. One is the proximity of the C1 array to Route One and the other is the impact the canopies have with the street trees along Carnegie Center Drive.

Along Route One there are gaps in the existing landscape. Masses of tall Evergreen shrubs were suggested, that in time, will fill the gaps and screen the canopies.

Mr. Dobromilsky suggested that the double row of street trees along the internal road, Carnegie Center Drive, be replaced with understory trees that will lag behind, giving the appearance of double rows.

The buffer between the road and parking lot will be restored by shifting trees closer up along the road and planting a mass of shrubs behind them.

Mr. Dobromilsky explained that the trees are far from the canopies because of the sun angles in the morning and evening. He feels that the selection of trees can be evaluated, so there is no shading on the canopies.

The internal landscaping is similar to the other applications, where trees will line the entrance drive. There will be heavy vegetation underneath the canopies in the parking lot islands.

As a condition of approval, the applicant must get approval of the final landscape plan.

Chair O'Brien asked about the ordinance requiring shade trees along the street. Mr. Dobromilsky advised that a waiver is being requested to provide understory trees.

Ms. Appelget asked if a shrub or tree that does not survive on the islands will be replaced.

Mr. Ricciardi said that if there are bare spots, the vegetation will be replaced.

Chair O'Brien said that Mr. Yates recommended approval of the application in his June 11, 2019 report.

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

Mr. Pankove made a motion to approve application PB19-11, subject to waivers, variances and various conditions. Seconded by Ms. Geever. Motion approved, 9-0, by roll call vote.

#### **PB10-09: 2<sup>nd</sup> amendment**

Chair O'Brien explained that this is a request for 2<sup>nd</sup> amendment to previously approved application PB10-09.

The applicant, Amit Mehta, was sworn in. He is asking that the front yard setback to construct a house be modified from 90 feet to 65 feet, to provide additional backyard space.

The property is located at 115 Cranbury Road in the R-30D District, Block 5.01, Lot 74.02 on the tax map.

Mr. Dobromilsky was sworn in. He explained that there are approximately 15 mature evergreen trees on the property that the original owner, Robert White, wanted to preserve. Mr. White imposed a 100-foot setback to ensure that a house being built would not require removal of these trees. The trees provide some buffering from the road.

The question now is if the Board is comfortable with the house being closer to the road, which would require removal of these evergreen trees. If approved, the house will still be set back greater than the required minimum setback of 50 feet for this zone.

The houses to the left of this lot are set back greater than 100 feet. These houses are in a different zone from the houses to the right, which are closer to the road. Lot 74.02 is a transition between these two different zones.

Mr. Dobromilsky advised that there are two very large, approximately 225 year old Oak trees out by the road that are noted for preservation. The best way to save these two trees was to require a shared driveway between the two properties. The driveway will be in compliance with impervious coverage.

Mr. Schectel asked if the 15 trees are removed, can they be replaced somewhere else.

Mr. Dobromilsky said that replacing the trees can be a condition of approval.

The house on Lot 74.01 is occupied. There is an existing driveway where the utilities for Lot 74.01 are currently located and will remain. Additional utilities for Lot 74.02 will be installed in the shared driveway.

Mr. Dobromilsky said that although there is a self-imposed setback to save the trees, there is no requirement that the trees have to remain once the house is built.

Chair O'Brien asked about any arrangements for snow plowing of the shared driveway. He suggested as a condition of approval, the property owners make an effort to come up with a maintenance agreement of the shared driveway.

Mr. Surtees was sworn in. He said that typically the Board does not require a shared maintenance agreement. The only condition imposed by the Board is that there has to be a shared driveway. The way the resolution was approved was that whoever pulls a permit first is required to do the shared driveway work.

Mark Siegel, resident of 123 Cranbury Road, was sworn in. He does not want these trees to be removed for aesthetic reasons. The trees are important to the landscape of the township. They do provide some privacy for his property.

Chair O'Brien asked Mr. Dobromilsky if the trees have to be removed in order to move the house forward from 90 feet to 65 feet.

Mr. Dobromilsky said that he did not analyze it from that point of view, but most likely most of the trees would have to be removed.

Mr. Dobromilsky explained that as a condition to subdivide and ultimately construct a house, the setback must be 90 feet in order to save the trees. Once the house is on the property, it falls under the tree removal permit. As a single-family house, it is exempt from getting a permit. Mr. Mehta could build a house behind the trees, cut down the trees and then come back after the trees are gone and ask to move the house.

Mr. Surtees said that it can be made a condition of approval that trees must be planted somewhere else.

Mr. Schectel suggested that the applicant work with Mr. Dobromilsky to come up with a plan.

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

Chair O'Brien commented that the majority of the Board members seem to agree that any trees removed in the 25-foot buffer be replaced at a one-to-one ratio.

Counsel Baillie went over two conditions:

1. If the applicant chooses to relocate from 90 feet to 65 feet, he will work with Mr. Dobromilsky to come up with a plan to replace trees at a one-to-one ratio.
2. The applicant will make an earnest effort to come up with a maintenance agreement, concerning the shared driveway, with the other property owner.

When the plot plan is submitted for the building permit, the applicant's choice will be known.

Mr. Schectel made a motion to approve the request by the applicant to relocate the house footprint from a 90-foot setback to a 65-foot setback without an obligation that the house must be relocated. If it is relocated and a large number of trees are removed, they will be replaced on a one-to-one basis according to a plan agreed upon by the applicant and Mr. Dobromilsky. Also, the applicant will make a sincere effort to reach an agreement with the neighboring property for a plan to address the maintenance, including snowplowing, of the shared driveway; motion seconded by Mr. Baig. Motion approved, 9-0, by roll call vote.

Mr. Surtees announced that the July 17, 2019 meeting is cancelled.

With no other business before the Board, Chair O'Brien adjourned the meeting at 9:51pm.

Respectfully submitted,

Terri Jany  
Recording Secretary