

WEST WINDSOR TOWNSHIP PLANNING BOARD  
REGULAR MEETING  
January 8, 2020

The regular meeting of the Planning Board was called to order at 7:09 pm on Wednesday, January 8, 2019 by Attorney Martina Baillie 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 December 27, 2019.

**SEATING OF NEW OR RE-APPOINTED MEMBERS**

The following board members were sworn in by Attorney Baillie:

Sue Appelget (Planning Board Member Class IV)  
Simon Pankove (Planning Board Member Class IV)  
Curtis Hoberman (Planning Board Member Class II)  
Anis Baig (Planning Board Member Class IV)

**ROLL CALL AND DECLARATION OF QUORUM**

Sue Appelget  
Anis Baig  
Linda Geevers  
Curtis Hoberman  
Simon Pankove  
Michael Karp  
Gene O'Brien

**REORGANIZATION**

Attorney Baillie called for nominations for Chair. Nomination of Gene O'Brien for Chairman by Mr. Karp, 2<sup>nd</sup> by Mr. Baig. Roll call of Board, motion carried unanimously. Mr. O'Brien became presiding officer.

O'Brien called for nomination for Vice Chair. Nomination of Michael Karp as Vice Chairman by Mr. Hoberman, 2<sup>nd</sup> by Ms. Appelget. Roll call of Board. Motion carried unanimously.

Motion to renew appointment of Lisa Komjati as Administrative Secretary made by Mr. Pankove, 2<sup>nd</sup> by Ms. Geevers. Motion carried unanimously by voice vote.

Motion to renew Rita Bergen as Recording Secretary made by Mr. Karp, 2<sup>nd</sup> by Baig. Motion carried by voice vote.

Motion to appoint Allen Schectel as Planning Board Liaison to the Affordable Housing Committee made by Mr. Pankove, 2<sup>nd</sup> by Ms. Appelget. Chairman O'Brien explained that, although Mr. Schectel is not present at the meeting, he had advised Chairman O'Brien that he is willing to serve in that capacity. Motion carried unanimously by voice vote.

**RESOLUTION ADOPTING PLANNING BOARD PROCEDURAL GUIDELINES FOR 2020 (PB2020-R-01)**

Chairman O'Brien reported one change to the guidelines from 2019, establishing II(c) which changed the deadline for providing supporting materials to the Board from Wednesday to Friday. Motion to approve resolution made by Mr. Pankove, 2<sup>nd</sup> by Mr. Karp. Motion carried unanimously by voice vote.

**CONSENT AGENDA**

- a) Declaration of official and other newspapers to receive meeting notices (The Times and The Princeton Packet) (PB2020 – R-02)
- b) Resolution setting forth regular meetings (first four Wednesdays of each month) (PB2020 – R-03)
- c) Authorization for Chair or Vice Chair to approve bills and vouchers
- d) Traffic Safety Officer – Sergeant Francis Bal
- e) Fire Marshall – Jim Yates
- f) Landscape Architect – Dan Dobromilsky, LLA
- g) Planning Board Engineer – Fran Guzik, PE
- h) Planning Board Attorney – Miller, Porter & Muller – Gerald Muller, Esq.
- i) Environmental Engineer – Van Cleef Engineering Associates – Chris Jepson, PE
- j) Traffic Engineer – Arora & Associates – James Kochenour, PE
- k) Planner – Burgis & Associates – Joe Burgis, PP
- l) Minutes: August 21, 2019

Motion to approve consent agenda made by Mr. Pankove, 2<sup>nd</sup> by Mr. Karp. Motion carried by voice vote.

**PUBLIC COMMENTS FOR NON-AGENDA ITEMS**

No public comments

**APPLICATION PB19-20**

Minor Site Plan & Sign Waiver  
301 Nassau Park Boulevard  
Block 7, Lot 78.16; 301 Nassau Park Boulevard

Jason Tuvel, Esq., Prime & Tuvel, representing At Home Store

Mr. Tuvel explained that this space was previously occupied by Sam's Club. The goal is to put four signs on the existing building, which will require several waivers. Mr. Tuvel has been working with West Windsor staff and outside consultants resulting in a sign on the west elevation being removed from the initial submittal. Mr. Tuvel also stated that At Home will comply with Mr. Kochenour's suggestion to retain the bollards in front of the store. The location of a few bollards may be adjusted, but none will be removed. At Home is also agreeable to Mr. Kochenour's suggestion to reduce the freestanding signs from five to two (removing signs 3, 4 and 5).

Mr. Tuvel explained that normal operating hours are 9 a.m. to 10 p.m. with an average of 10 to 15 employees on a peak shift.

The following witnesses were sworn in:

Tony Callaway  
Corey Chase  
Kate Keller

Mr. Callaway, Callaway Architecture, LLC, was accepted as an expert

Exhibit A-1 submitted by Mr. Tuvel (Power Point presentation)

Mr. Callaway reviewed the details of the plan for the At Home Store.

Mr. Hoberman asked about the white area on the plans. Mr. Callaway stated that At Home is leasing the entire building, but only the blue area on the plans are part of the initial plan. They will use the white area for expansion if necessary. At Home will not be using the area of the former auto section of Sam's Club. Mr. Callaway stated that they are not making major changes to the existing building, and only minor modifications will be made to the entry area, referred to as the Entry House.

Mr. Baig asked if any bollards will be moved. Mr. Callaway stated that the bollards may need to be adjusted slightly, but the number of bollards will remain the same.

Mr. Callaway explained that they will install an Entry House at the entrance with the height being the same as the previous entry point. Within the entry there will be an area on the side for cart storage. There will be one sign at the entrance on the south side with overall area of 175 square feet, as opposed to the Sam's Club sign that was 200 square feet. The overall color scheme is also consistent with the rest of the area.

On the back side of building, the north side, there will be one sign toward the center. It will be the same size as the entry sign, allowing for visibility for visitors traveling eastbound along Nassau Park Boulevard. Mr. Callaway indicated that Best Buy has a sign on the side as well as the front.

There will be two signs on the easterly side, one being smaller. There will be none on the westerly side.

Ms. Geevers asked if signs are lit at night. Mr. Callaway explained that the lights turn on as it gets dark and will turn off within 30 minutes after the store closes. Chairman O'Brien asked if the lights are lit internally; Mr. Callaway stated yes.

Mr. Hoberman asked how these signs relate to the new Target signs. Mr. Novak stated that the Target signs are a height of 10 feet and a width 31 feet 9 inches for a total of approximately 317.5 square feet. Mr. Callaway stated that the letter H on the At Home sign is the only letter that is 6 feet in height.

Ms. Appelget asked about cart storage. Mr. Callaway explained that cart storage will be located inside in the vestibule to the right.

Mr. Hoberman asked about customers loading large pieces of furniture in front of the store as he is concerned about traffic flow and suggested that the former auto bays of Sam's club be used for loading vehicles. Mr. Tuvel stated there is a loading area on the westerly side of the building, but At Home is not leasing the parking

lot on that side. So, he is not sure if At Home has the right to have that activity occur there. Mr. Hoberman explained that he is not talking about the loading area, but the former Sam's Club auto bays.

Andrew Dettman, Director of Development and Design, At Home, was sworn in

Mr. Dettman stated the lease is within the four walls of the store. He stated that customer volume is much smaller than that of a Sam's Club and they don't foresee loading large pieces in front of the store being an issue. Most items are accent furniture and are designed to fit inside a car, not strapped onto the top of a car or that customers would need a truck.

Mr. Hoberman stated he visited an At Home store in New York and saw sizable pieces of furniture being loaded. Mr. Dettman stated he understands Mr. Hoberman's concern and stated that they can look at that option.

Mr. Baig asked about the difference in square footage in the application. Mr. Dettman stated that there is space they are leaving unused so that if expansion is needed in the future, they can expand into that area.

Mr. Karp asked about having a door around the side of the store to load larger pieces of furniture so that it is away from the main entrance.

Ms. Appelget asked if flow of traffic could be changed to one-way. Mr. Tuvel stated they have no right to change the flow of traffic.

Mr. Dettman stated that larger furniture purchases could be loaded from the loading docks. Deliveries are only made three days a week so the dock would be open most of the time. He also stated that he thinks the Board's concerns are valid.

Chairman O'Brien stated his concerns about traffic flow, but reminded the Board that the application is only about signage so the board cannot impose any conditions on the applicant regarding traffic flow.

Ms. Baillie stated that the Board is limited in imposing conditions related to traffic for a sign application, but circulation and access to the site is part of the application, so the issue can be raised and discussed, but the Board may be limited in imposing conditions.

Ms. Geevers asked how someone would pick up a couch. Mr. Dettman stated that small signs could be erected directing customers to the loading area to try and encourage people to load large items in a specified place.

Dan Dobromilsky, Landscape Architect for West Windsor Township, was sworn

Mr. Dobromilsky stated that there are three garage doors on the side of the building that are conducive to loading, and as the plans don't show any changes to those doors, it would be easy to use those doors for that purpose.

Chairman O'Brien suggested leaving the issue open and returning to it after the discussion of the signage.

Corey Chase, previously sworn, was accepted as an expert in traffic engineering

Mr. Chase discussed Mr. Kochenour's memorandum of 1/7/2020 and the agreement to omit three directional signs and keep all bollards.

Regarding signs, Mr. Chase stated that the proposed signs are in line with the United States Sign Council recommendations. The sign on the northern façade is for people coming from Quakerbridge road. The larger sign on the easterly side is for people coming from Nassau Park Boulevard. The second sign on the easterly façade will help people understand where to turn from the access drive off Nassau Park Boulevard. Mr. Chase feels that the proposed sign package is adequate.

Mr. Chase also discussed loading and stated that there is the ability to use the garage doors for loading and thinks it is a good idea to keep loading away from the front door as long as no modifications need to be made. He feels that using what were the auto bays of Sam's Club is a good suggestion.

Chairman O'Brien suggested that a condition of approval be a receipt by Mr. Surtees of a letter from Diane Mikovsky at Site Centers confirming that using the former auto bays for customer pickup are acceptable to the overall operation of the shopping area. Mr. Tuvel stated they will request a letter and provide it to Mr. Surtees.

Ms. Geever asked about the sizes of carts. Mr. Callaway stated typical size carts and also handicapped carts. Mr. Hoberman asked if there would be cart bays in the parking lot. Mr. Callaway stated there would.

Kate Keller, Professional Planner, Phillips Preiss, previously sworn, was accepted as an expert.

Ms. Keller discussed the sign waivers. The first waiver is for two signs on the easterly façade which is facing Nassau Park Boulevard. The larger sign is towards the rear of the building. The smaller sign will serve those customers already on the access drive. At Home feels these signs are better for safety and won't have an impact on aesthetics. All signs are in scale with building. There will be no sign on the westerly façade as it would not be visible.

The sign on the easterly façade will be 6 feet in height and a length of 28 feet and 3 feet and  $\frac{3}{4}$  inches for a total of 169.90 square feet. The second sign on the easterly façade will have a height of 3 feet and a length of 14 feet and  $1\frac{7}{8}$  inches. Ms. Keller does not see any negative impact on the existing shopping center and feels that signs are in line with safety standards and with the existing signage in the shopping center.

Mr. Karp asked about Sheet 2 and asked why there is no sign on the Nassau Park Boulevard side. Ms. Keller stated there is a sign proposed on the Nassau Park side. There are four signs on three sides as opposed to four signs on four sides.

Mr. Pankove asked how the signs compare to the sizes of 5 Below and Best Buy signs. Ms. Keller was not able to get exact dimensions, but believes that the Best Buy sign is taller and larger in area.

Chairman O'Brien stated Sheet 01 illustrates the size of the previous Sam's Club sign.

Mr. Hoberman stated that you can't see the signs from Nassau Park Boulevard because customers are looking at the back sides of all of the stores and he can understand why At Home requests the additional sign.

Mr. Karp asked about the new façade and whether all At Home stores have the same façade. Mr. Callaway stated that the size of the store impacts the size of the entry house and sign.

Mr. Novak, Township Planner, was sworn and stated that he has no objection to the waiver requests and that he felt that the applicant addressed all issues.

Mr. Dobromilsky referenced his December 18<sup>th</sup> report. The site furnishings as well as the landscaping will remain. There are six trees that were originally in the parking lot that are no longer there. There are several trees that could block signs along Nassau Park Blvd. Mr. Dobromilsky suggests that the applicant work with Site Centers to possibly remove a few trees or shift the sign location to where there is a gap in the trees. The applicant is aware of issue.

Mr. Dettman stated that their intent is to place signs where there is a gap in the trees. Also, At Home is willing to replace the six trees that were removed.

Mr. Dobromilsky discussed the bollards, the former Sam's Club auto bays, cart corrals and lighting of the signs, and stated that he is in agreement with those plans.

#### **PUBLIC COMMENTS**

Harrison Uhl, resident in the Port Mercer area along the canal, was sworn.

Mr. Harrison stated that in the deed restrictions for Nassau Park, lights should not be visible to residents in Hamlet of Port Mercer. This would include a lighted sign on the north side of building, which faces canal. If signs were dark at night, that would comply.

Chairman O'Brien asked Dan Dobromilsky if he is familiar with Mr. Uhl's concerns and Mr. Dobromilsky stated that he is aware.

Mr. Uhl is concerned that lighted new sign on north side will be visible in his neighborhood but that, if the lighting is screened, he does not object. Mr. Uhl stated that signs should be large and lit for visibility after you have entered the mall area, not on the country roads. He suggests screening and encouraged the Board to keep the signage as it was with Sam's Club. He would like to see vegetation continue to grow and suggested small street sign type signs to lead the way to store. He is concerned that once one store gets a bigger sign, other stores will want bigger signs. He is agreeable to a few banner signs for a few months as At Home opens, but doesn't want a permanent sign that sets a precedent.

Chairman O'Brien stated that they want to be fair to fellow citizens. Mr. Dobromilsky has worked with Mr. Uhl over the years to try to fix these problems as they come up.

Mr. Uhl stated that the deed restriction doesn't say lights aren't permitted, but that a screen must be provided so the light is not visible in Port Mercer. Mr. Uhl feels that the screening at the moment is not sufficient for the lights.

Mr. Surtees stated that the illumination standards are for lights in the parking lots and he was not aware that it had to do with sign illumination. Mr. Dobromilsky stated it is not a lighting problem, it's a visibility problem. The problem is that they will be able to see the lights from Port Mercer. Sam's Club didn't have a sign on that side of the façade because it was membership based, and customers knew where they were going.

Chairman O'Brien asked if the applicant would be amenable to not lighting the sign. Mr. Tuvel stated that the current planned signs shut off at a certain time. Mr. Tuvel asked for a 5-minute recess to confer with his clients.

Short recess at 9:03 p.m., resumed at 9:11 p.m.

Mr. Tuvel stated that his client is agreeable to not illuminate the sign on the northern façade.

No further public comments.

Motion made to close public hearing by Mr. Pankove, 2<sup>nd</sup> by Ms. Geevers. Motion carried unanimously by voice vote.

Attorney Martina Baillie reviewed the conditions of the waivers:

1. Site dimensions will remain
2. Applicant will adjust signage location and add trees where possible within the parking area
3. No bollards will be removed but the locations may be adjusted.
4. Applicant will use former auto center for loading by customers if acceptable with Site Centers.
5. Applicant will indicate location of shopping cart corrals.
6. Applicant will provide photometric data for existing illumination.
7. Applicant will modify the plan to remove illumination of the sign on northern façade.

Motion to approve application subject to waivers made by Mr. Pankove, 2<sup>nd</sup> by Ms. Geevers. Motion passed 7-0 by roll call vote.

With no further business, the meeting was adjourned by Chairman O'Brien at 9:18 p.m.

Respectfully submitted,

Rita Bergen  
Recording Secretary