

West Windsor Township Zoning Board of Adjustment

Minutes – Regular Meeting

January 23, 2020

The regular meeting of the Zoning Board of Adjustment was called to order at 7:00 p.m. on Thursday, January 23, 2020 by Edwin Schmierer, Esq., 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
Eugene Fridkin
Michael Garzio
Curtis Hoberman
Daniel Marks
John Roeder

SWEARING IN OF MEMBERS

The following member was sworn in by Edwin Schmierer, Esq.: Michael Garzio, Curtis Hoberman and Eugene Fridkin.

REORGANIZATION

- a. Election of Chair - Motion was made by C. Hoberman and J. Roeder seconded the motion to elect S. Abbey as Chair. The vote was 7-0 in favor. Motion carried.
- b) Election of Vice Chair - Motion was made by J. Church and J. Roeder seconded the motion to elect C. Hoberman as Vice Chair. The vote was 7-0 in favor. Motion carried.
- c) Appointment of Administrative Secretary – Lisa Komjati. Motion was made by J. Church and J. Roeder seconded the motion to appoint Lisa Komjati as Administrative Secretary. The vote was 7-0 in favor. Motion carried.
- d) Appointment of Recording Secretary – Kerry Philip. Motion was made by J. Roeder and S. Abbey seconded the motion to appoint Kerry Philip as Recording Secretary. The vote was 7-0 in favor. Motion carried.
- e) Appointment of Zoning Board Members to Site Inspection Review Subcommittee (3) - Motion was made by J. Roeder and S. Abbey seconded the motion to appoint J. Church, H. Jacobsohn and D. Marks to the Site Inspection Review Committee. The vote was 7-0 in favor. Motion carried.

CONSENT AGENDA

- a) Declaration of Schedule of Regular Meetings (1st & 4th Thursdays)
- b) Declaration of Official and Other Newspapers to Receive Meeting Notices (Princeton Packet; The Times)
- c) Authorization for Chairman or Vice Chairman to approve bills and vouchers

Motion was made by J. Roeder and J. Church seconded the motion to approve the above noted consent agenda items. The vote was 7-0 in favor. Motion carried.

- d) Mason, Griffin and Pierson - Ed Schmierer (Board Attorney)
- e) Van Cleef Engineering - Ian Hill (Board Civil Engineer)
- f) Van Cleef Engineering - Chris Jepsen (Board Environmental Engineer)
- g) Turek Consulting - Fred Turek (Conflict Civil Engineer)
- h) Burgis Associates, Inc. - David Novak (Board Planner)
- i) Arora and Associates - James Kochenour (Board Traffic Engineer)
- j) Landscape Architect - Daniel Dobromilsky
- k) Fire Marshall - Jim Yates
- l) Traffic Safety Officer - Sgt. Francis Bal

Regarding consultant rates, Zoning Officer Surtees provided an overview of the charges. The rates were increased to be consistent with the rates charged for Planning Board application review. The Board agreed to increasing the amounts to be consistent is acceptable.

Motion was made by J. Roeder and J. Church seconded the motion to approve all remaining consent agenda items. The vote was 7-0 in favor. Motion carried.

CHAIR'S COMMENTS & CORRESPONDENCE

No comments were provided.

REPORTS:

End of Year Report for 2019 pursuant to NJSA 40:55-70.1

J. Roeder noted that the vote of denial relating to Celebrations is clearly noted within the report. Motion was made by J. Roeder to approve the End of Year Report for 2019, seconded by C. Hoberman. The vote was 7-0 in favor. Motion carried.

RESOLUTIONS

- a) ZB18-05SP
VCC Princeton Junction, LLC
Preliminary/Final Major Site Plan & Sign Waiver
47 Princeton-Hightstown Road; Block 12.04, Lot 18

Motion was made by J. Roeder to approve the resolution for ZB18-05SP, seconded by S. Abbey. The vote was 5-0 from those eligible to vote. Motion carried.

- b) ZB18-07
Celebrations@West Windsor
d-1 Use Variance and Concept Plan
SW corner of McGetrick Lane and Southfield Road
Block 21.27, Lot 1

Motion was made by J. Church to approve the resolution of denial as amended, seconded by J. Roeder. The vote was 5-0 in favor of those eligible to vote. Motion carried.

APPLICATION

- a) ZB19-11
CRAIG W. HARDING
“c” Bulk Variance
144 South Lane; Block 33, Lot 34
Property Zoned: R-2 District
MLUL: 4/11/2020

Craig Harding, applicant, stated that a microburst happened on his property causing much storm damage to his property including destruction of his detached garage. He is requesting variance relief for a two car garage. If the garage is attached to the house a setback variance would be required therefore the request is for a garage ten feet from the property line whereas 30 feet is required. He advised that 17 trees were lost on his property from the microburst. C. Hoberman asked the size of the garage and how it compares to the previous garage. Mr. Harding stated this garage is 24' x 28', the previous garage was 15' x 30'.

J. Church stated that presently there is a paved area so there will be no increase to impervious coverage.

The meeting was opened to the public.

William Sutton, resident, was sworn in and stated he lives next door and this proposal will not affect him at all.

Being that there were no other comments, motion was made by Chair Abbey and J. Roeder seconded the motion to close the public portion. The vote was 7-0 in favor. Motion carried.

Motion was made by J. Roeder to approve the application for ZB19-11, motion was seconded by M. Garzio. The vote was 7-0 in favor. Motion carried.

For: Church, Garzio, Hoberman, Marks, Roeder, Fridkin, Abbey
Against: No one
Abstain: No one

Chair Abbey identified the reasons for the approval:

- The proposed garage replaces an existing garage and it is being moved further away from the property line.

- There will be no increase in impervious coverage.
- The neighbor next door testified that this was acceptable.
- The applicant was asked to ensure that there will be space between the garage and the house.

b) ZB19-10

Princeton Junction Commons, LLC

d-1; d-4; "c" Bulk Variances & Concept Plan

201 Clarksville Road; Block 10, Lot 15.03

Property Zoned: ROM-4 District

MLUL: 3/31/2020

Edwin Schmierer, Esq., stated that proof of publication is in order and the Board has jurisdiction.

Dino Spadaccini, Esq., legal counsel for the applicant, stated that the applicant is also the owner. The parcel is approximately 5 acres in size, it is a fully engineered parcel from a previous approval. This is a bifurcated application, use variance approval will be requested and if that is granted they will return for site plan approval. The proposal is for a self storage facility in three buildings, storage facilities are not permitted in this zone or anywhere in West Windsor. A variance for floor area ratio is also needed; 4.5% is permitted and 7% is proposed. He stated that a height variance is being requested because 3-stories are permitted and 4-stories are proposed. A variance for the installation of a landscape buffer is also needed. This property had received approval for development in 2010 for a 30,000 sf building. The use variance request is in connection with a self-storage facility.

The following individuals were sworn in:

Ralph Petrella, engineering consultant for the applicant; James Kyle, planning consultant for the applicant.

Mr. Petrella presented the aerial location plan (Exhibit A-1) and stated that the majority of the site is forested and a small portion was cleared for construction of the 30,000 building. A deed restriction as required by the NJDEP is in place and this is the location of the proposed facility. The color rendering of the existing conditions plan was presented (Exhibit A-2) and he advised that much of the area will be left undisturbed. The sediment basin that was installed for the 30,000 sf office building will be removed. He presented the color rendering of the site layout plan (Exhibit A-3) and advised that they are using the pavement that was installed for the driveway to access the facility. One-way circulation is proposed and a key card is needed for access. The previously approved site layout plan of the two-story 30,000 sf office building with parking was presented (Exhibit A-4). There is an existing deed restriction and the forest and wetlands were the reasons for the deed restriction.

Samuel Surtees, zoning officer, was sworn in and stated that he recommends the staff reports be discussed first which provides much of the detail about the deed restriction.

Chair Abbey asked if the proposal works with the existing footprint of the previously approved plan. Mr. Spadaccini stated that the property was approved for an office building so a self-storage facility seems to make sense on this parcel, and there was interest in this use since there are no self storage facilities in West Windsor. The proposal is a low intense use and it provides a need for the community.

Mr. Petrella presented renderings of the proposal for a sense of scale (Exhibit A-5), he advised that there

is a four-story building in front that is similar to the design for the building to the south. Single story buildings are proposed for the remaining two structures. A reverse view of the development was presented (Exhibit A-6). He advised that they are attempting to make the buildings blend; the proposed materials for the facade is stucco with a cultured stone base. This use does not generate allot of employee traffic since there is only one employee on site from 9am to 5pm. Use of the facility is counter to rush hour traffic so there will be no demands on the roadway.

The building is four stories in height but this height is the same as the adjacent office three-story office building; three stories at a 45-foot height is required and four stories with a 45-foot height is proposed. Mechanicals will be on the roof and will be screened from view.

J. Church questioned if a four-story storage facility is common and Mr. Spadaccini confirmed that it is common and glass is proposed on the outside of the four-story buildings so they will appear as an office building. The one story buildings will resemble garages, all of the buildings will not be temperature controlled. Surveillance equipment will be on site for security and the property will be well lit.

Chair Abbey stated that a storage facility is proposed on a street that has housing nearby and asked if the building in the front can be moved to the right. Mr. Petrella stated that they can review this. Chair Abbey advised her concern that the front building appears as an office building with a warehouse appearance for the single story buildings located near a residential neighborhood. C. Hoberman suggested a landscape buffer and shielding may help mitigate this. He asked if the facility will be lit all night. Mr. Kyle stated that full site lighting is proposed but they can make adjustment to be compatible with their neighbors.

Mr. Kyle stated that the proposal requires a use variance and a variance for Floor Area Ratio. He stated that this use is not permitted anywhere in West Windsor. It is felt that it would be good for the public welfare and the location is in close proximity to existing and proposed multi-family developments therefore this will serve the population because people do not need to drive to a facility in another town. The use is consistent with an office type building and it is similar to the scale and magnitude of the adjacent office building. Mr. Kyle stated that this is a non-residential use; a majority of the adjacent Avalon units do not face directly on to Clarksville Road but they will enhance the landscaping in the front. Regarding the narrowness of the site, a conservation easement will enhance the buffer so the rear of the site will not be visible. Given the number of dwelling units in the area this type of facility is needed so will be no need to travel to neighboring communities that have these facilities. The location is appropriate so the positive criteria can be met. Regarding negative criteria, there is no impact to surrounding properties given the form of the building mimicking the office building, this facility is consistent with what we see in this area and by providing a good frontage buffer any potential negative impact will be mitigated.

Mr. Kyle then read the ROM district standards within the Master Plan which recommends self storage facilities in the ROM-3 and ROM-4 districts therefore this use is not inconsistent with the intent of the ROM zone plan. He stated that only 15 people are anticipated to access the site daily; the traffic is much lower than an office use and the development is consistent with office buildings in the area. There is a need for this type of facility so there will be no impact to existing uses. Relating to the variance for FAR the site can accommodate this. The positive criteria would be the same as what he previously testified to for the use; the additional floor area should not result in additional traffic so the site remains suitable for this increase. The use is low impact and a low trip generation is anticipated. The height of the

structure will be limited to 45 feet. The configuration of the property is considered a hardship and this proposal is a more efficient use of the land which is part of the positive criteria. There is a fairly generous setback to the east and the building will appear the same height as the adjacent three-story office building. Overall, there is no substantial impairment to the standards.

James Kochenour, traffic consultant, was sworn in and presented his memorandum dated January 13, 2020. He stated that if the use is granted a traffic impact study is needed for formal site plan review, the study should include a comparison of trip and parking generation comparing the approved use to the proposed use, or just an analysis should be satisfactory. Related to parking, there are six parking spaces proposed in the front for three buildings. He asked for detail on where the patrons may park when they are internal to the site because there is only a 30-foot wide aisle. He asked for detail on truck traffic and trash pickup. He also asked if there are any restrictions on the time that people can access the site.

J. Church asked how an emergency vehicle can access the site. Mr. Spadaccini stated that there will be a lock box.

Ian Hill, engineering consultant to the Board, was sworn in and presented the report from Van Cleef Engineering dated January 14, 2020 and asked if the light poles in the front of the site will be removed. Mr. Petrella stated that they will look into removing the poles. Mr. Petrella stated that the previous approval included the basin which covers the storm water requirements for this parcel and the adjacent office building and the soils meet the recharge requirements.

Sean Walsh, environmental consultant for the Board, was sworn in and referenced the report dated January 13, 2020. He stated that there is a NJDEP deed restricted area from a previous mitigated project and that area is mostly wooded; the property is 10.65 acres in size; it was previously developed with curbing and storm water inlets for an office building but that project never proceeded. J. Roeder asked if the dedication that is in place was from a previous approval. Samuel Surtees, zoning officer, stated that this greenbelt dedication was dedicated in conjunction with the office development. This is not a township dedication. The greenbelt or another conservation easement can be discussed during site plan review but that property is already dedicated.

David Novak, planning consultant for the Board, was sworn in and read his memorandum dated 1/7/2020. He advised that self storage facilities are being considered, discussions began in 2019 to provide this use in the ROM-4 district. Permitted uses in this district are general corporate professional offices; research; analytical development; recreational facilities, and; farming. He recommends that the landscape buffer be set back the proposed right of way. A 75-foot setback is required.

Mr. Kyle stated that one question within the report related to truck traffic and he testified that trucks will not be displayed out in front of the building. The signage component will be provided during formal site plan review. Pertaining to the FAR, the applicant is looking at whether the site can accommodate what is envisioned and the existing conditions. Chair Abbey asked if the FAR is based on the buildable area or the entire lot. Mr. Novak advised it is the entire lot but there are environmental constraints so the FAR is over due to those environmental constraints. Mr. Schmierer asked Mr. Novak to confirm where self-storage facilities were being considered. Mr. Novak stated that both the ROM-3 and ROM-4 zones were moving in that direction. Chair Abbey stated that the Planning Board has determined that self storage is desired in this portion of the Township. Mr. Novak advised a preliminary map investigation for self-storage units and the ROM-4 district had been considered.

J. Church stated that there is a hill in front and the parking in front is not always visible so he has security concerns. Mr. Petrella advised that the hill in place is the berm that was required for the office project for screening purposes, this area is currently fully treed and then all of the trees would have to be cleared and replanted if modifications are required.

The meeting was opened to the public, no one addressed the Board. Motion was made by J. Roeder to close the public portion of the meeting. The vote was 7-0 in favor. Motion carried.

Motion was made by J. Roeder to approve the use variance for application for ZB19-10, motion was seconded by D. Marks. The vote was 7-0 in favor. Motion carried.

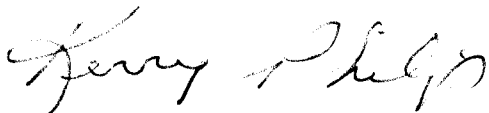
For: Church, Garzio, Hoberman, Marks, Roeder, Fridkin, Abbey
Against: No one
Abstain: No one

J. Roeder stated that he appreciates a structure in front that appears as an office building. Chair Abbey stated storage facilities are needed. She is not supportive of having a truck rental on site. Also when designing the fencing around the facility, she recommends an attractive gate for entering and exiting.

Chair Abbey identified the reasons for the approval:
The traffic effects will be much less for this use.
The ROM-4 district is already zoned for warehouses so this proposal is similar.
There is an indication that storage units will be appropriate throughout the Township.
Although the FAR is substantially higher, open space will remain.

Motion was made by C. Hoberman and D. Marks seconded the motion to adjourn the meeting at 9:15 p.m.

Respectfully submitted,



Kerry Philip
Recording Secretary