

West Windsor Township Zoning Board of Adjustment

Minutes – Regular Meeting

September 24, 2020

The regular meeting of the Zoning Board of Adjustment was called to order at 7:00 p.m. on Thursday, September 24, 2020 by Edwin Schmierer, Esq., at the Senior Center, 271 Clarksville Road.

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: John Church
 Eugene Fridkin
 Michael Garzio
 Curtis Hoberman
 Henry Jacobsohn
 Daniel Marks
 John Roeder
 Carl Van Dyke

CHAIR'S COMMENTS & CORRESPONDENCE

No comments were provided.

MINUTES

1. January 23, 2020 - Motion was made by J. Church and seconded by M. Garzio to approve the minutes of January 23, 2020 as amended. The vote was 6-0 in favor of those eligible to vote.

PUBLIC COMMENT

No comments were provided.

RESOLUTION

a) **ZB19-05**
 MICHAEL MCMASTER
 "c" bulk variance
 Block 42, Lot 9; 16 Fairview Avenue

Motion was made by C. Van Dyke to approve the resolution for ZB19-05, seconded by H. Jacobsohn and carried in a roll call vote of 7-0.

FOR: Church, Jacobsohn, Marks, Roeder, Van Dyke, Garzio, Hoberman
AGAINST: No one
ABSTAIN: No one

APPLICATIONS

- a) **ZB19-09**
ALASTAIR BELLANY & DEBORAH YAFFEE
Request for 1 year extension of approval
Block 24, Lot 7.05; 211 South Mill Road
Property Zoned: R-20 District
MLUL: N/A

Vice Chair Hoberman stated that a letter dated August 6, 2020 from the applicant has been received requesting an extension of time for the approval for a garage renovation. Their contractor is unable to begin construction until a time beyond the one-year approval period.

The meeting was opened to the public. No one addressed the Board therefore the public portion was closed.

Motion was made by J. Roeder to approve the one-year extension request for the construction of a garage, the motion was seconded by J. Church. The vote was 7-0 in favor. Motion carried.

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

- b) **ZB19-06**
WINDSOR I DEVELOPMENT LLC
P/F Major Site Plan and Conditional Use
Block 7, Lot 59; 3499 U.S. Route One
Property Zoned: B-2 District
MLUL: 9/24/20

Edwin Schmierer, Esq., advised that the notice is in order and the Board has jurisdiction.

Stephan Nehmad, Esq., legal counsel for the applicant, stated that the proposal is a redevelopment plan to demolish the older buildings on site for new construction. Variances are required for floor area ratio and building height. The parcel is 5 acres in size and 25% of the site is impacted by wetlands. The existing building is a hotel and this will be demolished for a new hotel and a 5000 sf Wawa store and fueling facility. A minor subdivision of the property is needed for the two developments. He stated that landscaping and stormwater management is proposed as no stormwater management exists. The impervious coverage is reduced and over 50 parking spaces are being eliminated.

The following professionals for the applicant were sworn in:
Matt Sharo, Civil Engineer; Ben Horton, Architect; Nick Verderese, Traffic Engineer; John McDonough, Planner; Joseph Mizrati, Developer; Suneal Mayak, owner/operator Hyatt House.

Mr. Sharo, civil engineer for the applicant, advised that he is the designer of the Wawa facility. He presented the plan entitled "existing site" marked as Exhibit A-1. He advised that a two-story hotel adjacent to the Pep Boys store is also proposed. On the west side of the parcel there is green space and

wetlands (24,000 sf) at the rear of the site.

Mr. Sharo advised that there are 231 existing parking spaces on site and no stormwater management. All of the existing piping is covered with debris and failing. The existing impervious coverage is 59.4% and 55% MIC is permitted. The plan is to redevelop the site and an aerial of the site with an overlay of the proposal was presented (Exhibit A-2). Mr. Sharo stated that eight fueling pumps are proposed along with the Wawa building, and a hotel in the center of the property. The hotel will be four stories in height and 75,700 sf in size. The size of the Wawa building is the same as the one on Route 1 north in Lawrenceville with entrances on both sides of the building.

Mr. Sharo stated that relating to the subdivision, lot A would result in 71,730 sf and lot B would be 168,430 sf. Lot A will have the Wawa and Lot B will have the hotel. The parcel is in the B2 zone and both uses are permitted. There are two existing entry points into the site from Emmons Drive and three driveways are proposed for this new development, one for the entrance to Wawa and two specifically for the hotel. He stated that all drive aisles will be 25 or 30 feet in width. A cross access easement is proposed between the two lots. A total of 126 parking spaces are required for the hotel and this is being provided. The dimensions for the parking spaces for the hotel are 9' x 18' and 10' x 20' for the Wawa store. Two electric charging stations and two bike racks are being provided, one rack near Wawa and the other on the hotel site.

Relating to the landscaping, 572 large plantings made up of multiple varieties are proposed. Nine of the 11 trees that exist along Emmons Drive will be preserved and irrigation measures will be installed.

Mr. Nehmad stated the Engineer had asked for testimony on whether vehicular cross-access with the adjacent Windsor Green shopping center had been considered, he advised that reciprocal access is not being provided. A majority of the rainwater on site will be handled with a new treatment facility. Mr. Sharo stated that landscape buffer enhancements are also proposed along Emmons Drive and Route 1. A mix of low grasses and a wooded area are proposed within the wetland buffer areas encroaching into the existing parking lot, they intend to restore the buffer area between the hotel and the wetlands along with landscaping in the peninsula. He stated that they just received correspondence from the NJDEP that additional plantings in the wetlands area are required and new trees and post and rail fencing was requested.

Mr. Sharo presented document entitled "Betterments" (Exhibit A-15) identifying the proposed landscape buffer; landscape plantings; architectural and site elements, and; parking, pedestrian access and circulation improvements.

Mr. Sharo presented the Wawa building materials and canopy detail (Exhibit A-5), metal seam awning is proposed for the roofline and a stone veneer look is proposed for the bottom of the building. The right side of the Wawa building faces Emmons Drive and the truck fueling area. Windows are proposed on the left side of the Wawa building with stone veneer on the bottom of the facade and a parapet wall that will screen the rooftop mechanical equipment. A propane kiosk will also be on site.

Mr. Sharo stated 8 pump stations offering 16 fueling positions are proposed and he presented Exhibit A-6, a sloped canopy roof is proposed that matches the architecture of the roofline for the Wawa building. The material for the pump stations are the same as what is proposed for the Wawa building. Related to the trash area, white Azek smooth finish fencing slats are proposed.

Vice Chair Hoberman noted that solar could be added to the sloped canopy for the fueling stations. Mr. Sharo stated that there are several locations that offer this, it's a new concept. Mr. Sharo stated that three individual signs will be on the canopy over the fuel tanks. Mr. Sharo referenced Exhibit A-5 identifying the signage details, he stated that in the front of the Wawa the letter heights are 44 inches and in the rear they are 42 inches tall. Three freestanding signs are proposed for the two uses. One sign for Wawa is proposed along Route 1 at a total height of 20 feet. LED lights are being used to identify the gasoline prices. The second Wawa sign is proposed on Emmons Drive. The height of that sign is 7'10" and it will be located at the first driveway cut. The third sign will be located closer to the hotel on Emmons, this will be a monument sign for the Hyatt House and the proposed height is 5'4".

J. Roeder asked if a sign is needed on Emmons Drive, he believes one monument sign with the Wawa logo is all that is needed. C. Van Dyke asked if the Wawa gasoline pricing is needed on the proposed monument signage.

Mr. Sharo advised that the setback along Emmons Drive results in a variance, 11.1 feet is proposed and a 30-foot setback is required. A variance related to landscaping is also required, the applicant is unable to provide any landscaping on site. A variance is also needed for lighting by the hotel drive aisles. The lighting levels are increased for safety whereas the lighting levels within the site are lower than the standards. All proposed lighting will be shielded, except for the lights at the drive aisles. The trash enclosure for the hotel is located on the west side of the building, at the end of the 22 space parking area in the rear. The materials will be the same as the hotel.

Suneal Mayak, prospective hotel owner, addressed the board, he stated that all suites are proposed within the Hyatt House, and one eight-yard container on site with weekly pick up is sufficient for the facility. Mr. Nehmad stated there are no industry standards for this and the plans did not include this detail because the designer thought that the trash room would be within the hotel. C. Van Dyke asked that the revised site plan include this detail. J. Church stated that it is a small parking area and the truck would have to back out of the site after picking up the waste.

C. Van Dyke questioned if the hotel can be shifted closer to the property line. Mr. Sharo stated that the 25-foot drive aisle for the entrance to the hotel would be impacted, and it is also in line with the entrance to the site from Route 1.

H. Jacobsohn asked what the typical size of signage for commercial properties is for this section of Route 1. Mr. Nehmad responded that they did not look into this but they can.

David Novak, planning consultant for the Board, was sworn in. He stated that he had recommended the applicant provide testimony about surrounding signage as a comparison. He recommended that the applicant review the freestanding signs in the immediate area including the Windsor Green Shopping Center and the Lowes Shopping Center on Route 1 north and compare them to the proposed signage package.

Acting Chair Hoberman asked if they have any intention to provide a location for curbside pick up or a drive-thru service at this location. Mr. Sharo stated that drive-thru is available but not at all locations. He asked that the applicant asked corporate to consider a retrofit offering a drive-thru at this location.

Acting Chair Hoberman stated that the Burgis Report recommends a unified development be designed, these two buildings will not share any architectural features and similar facade treatments had been recommended. He asked that Wawa consider a brick building for a unified design with the hotel.

Mr. Sharo stated that the Wawa hours of operation are 24/7. Sam Surtees, Zoning Officer/Land Use Manager, was sworn in and stated that there is no restriction on hours within this zone. Mr. Nehmad stated that 24 hour/7 days a week operation is critical for this location; this convenience is also complimentary to the hotel. He advised that tractor trailers will not be permitted on site to fill up their tanks.

Acting Chair Hoberman stated that as designed, a vehicle has to pass through the parking area for Wawa to access the gas pumps. He asked how many other Wawa locations have this design, typically the pumps are in the front of the site. He asked if it was explored to have the Wawa building closer to Emmons Drive. Mr. Sharo stated that every Wawa he has worked on has the canopy on the corner of the site.

J. Church stated that traffic circulation would be difficult to get to the gas pumps and a redesign should be considered. Mr. Nehmad deferred this discussion to the traffic consultant.

James Kochenour, traffic consultant for the Board, advised that he will be retiring at the end of the year and introduced Jeff L'Amoreaux, his associate, as he will be taking his place.

The meeting recessed at 9:15 pm and opened at 9:25 pm with all members in attendance.

Ben Horton, hotel architect for the applicant, presented Exhibits A-7 through A-13. He stated that the hotel is a four story L-shaped building with the long side facing Route 1. He presented renderings of all four facades of the hotel (Exhibit 13a) and stated that on the left side of the entrance a pergola offering outdoor seating for residents is proposed. The pergola blocks the view of the adjacent shopping center. The ground floor space of the hotel offers amenities for the residents.

The following were presented:

- Exhibit A-7 - a night rendering of the hotel
- Exhibit A-8 - typical guestroom prototype rendering
- Exhibit A-9 - kitchen
- Exhibit A-10 - entrance to public space area
- Exhibit A-11 - public space area

C. Van Dyke asked if there are any conference rooms. Mr. Horton stated that there is one conference room with a maximum capacity of 48 people. Only residents of the hotel can rent that space. C. Van Dyke asked if this was included in the parking calculation and Mr. Horton confirmed that it was. Mr. Horton advised that an indoor gym is also provided. He referenced Exhibit A-12 - hotel elevations and floor plans including the crown feature for the hotel, the tower, which is 61 feet in height. A 55-foot maximum height is permitted. The exterior elevation of the Hyatt House was then presented (Exhibit A-13).

Mr. Nehmad advised that there is a parapet wall shielding the view of the roof deck at 42'4". It is only the tower that exceeds the permitted height. The tower is proposed to create architectural interest in the

building.

Mr. Horton stated that there is a proposed sitting area for the pool in the space being considered for the trash enclosure, the plan will be revised to relocate the sitting area and identify the trash enclosure details.

Acting Chair Hoberman asked about the illumination of the hotel, low roof lighting is proposed along with lighting at the perimeter and he questioned if this is typical. Mr. Horton confirmed that this is typical.

Nicholas Verderese, traffic consultant for the applicant, stated that he prepared the traffic study, the traffic circulation and access were reviewed. All of the criteria from the State Highway U.S. 1 were followed related to access to the site. Traffic counts were taken in September 2019, during the AM and PM peak hours during the week and mid-day on Saturday. All affected intersections operated at an acceptable level of service. He testified that it is his opinion that the circulation proposed for the Wawa offers a safe and efficient access. Mr. Nehmad asked Mr. Verderese if he believes the layout for the driveway and the canopy for the fueling station offers a safe and efficient operation. Mr. Verderese responded that the layout is safe and efficient. He advised that he has requested striping for a fourth lane along Route 1 from Emmons Drive, and there has been no response from the NJDOT to date. It is believed that most of the traffic will be entering the site from Route 1.

John McDonough, planning consultant for the applicant, provided an overview of the D variances and the variance for the building height linking to the tower element of the hotel. He advised that there is substantial green space on the site after subdivision and he presented an exhibit of photographs (Exhibit A-14) and 4 pages of maps of the area, he advised the additional floor area mass was reviewed and he determined that although the site will be substantially developed, it is capable of handling this development. Most of the landscape perimeter buffering will be preserved along Emmons Drive. This proposal will improve the image of the neighborhood.

He stated that the positive criteria use is satisfied, the site is heavily paved so landscaping will soften the site. The proposed location of the hotel and Wawa is appropriate and the architecture and landscaping will blend with the existing landscape. Related to the tower height, the tower is not unsightly and it helps the aesthetic of the building.

Related to the c variances for lot coverage, Mr. McDonough stated that overall the two uses will comply, the existing coverage is greater than what is being proposed. The hotel setback of 11 feet is a minor intrusion of the setback and the landscaping will buffer any impact. The benefits outweigh the detriments.

The applicant is proposing pedestrian connections with a flush sidewalk along the front of the property.

Regarding the signage, the sign package is relatively minor and it will not constitute over-branding. The proposed lighting for the pump island area is typical for fueling stations and a higher illumination is proposed.

Mr. Nehmad asked the planner if approval of this project will be a substantial detriment and Mr. McDonough responded that it will not.

Acting Chair Hoberman asked the Board to advise of outstanding issues that should be addressed at the next meeting.

The following outstanding items were discussed:

1. Architectural unity between the two buildings for a fully unified design.
2. A revised layout should be provided for the pool area and the location of the proposed trash enclosure.
3. A letter from the fire chief about emergency access.
4. Truck turning radius plan.
5. Concerns related to traffic circulation from Route 1.
6. Drive thru possibilities for the Wawa store.
7. The town landscape consultant recommended improvements to the layout and landscaping and these should be considered.
8. Are gasoline prices needed on the Wawa sign on Emmons Drive.

Acting Chair Hoberman stated that a subdivision is requested because there are two dissimilar uses. He questioned if the Board should consider two applications or a unified design.

M. Garzio asked if the Board could require both developments be done at the same time.

Acting Chair Hoberman requested that the applicant check with corporate if the pumps can be shifted away from the main entrance off Route 1. A conceptual plan with this alternate design was requested.

An extension of time for the MLUL was requested to October 22, 2020. Mr. Nehmad agreed to provide the extension of time. Mr. Schmierer advised that no further notice will be necessary.

Motion was made by J. Roeder, and H. Jacobsohn seconded the motion to adjourn the meeting at 10:35 pm. Motion carried.

Respectfully submitted,

Kerry Philip
Recording Secretary