

October 11, 2016 – REGULAR SESSION

President Schroth called the meeting to order at 8:06 p.m. and read the Open Public Meetings Statement:

Almighty God who holds the fate of Man and Nation, we most humbly beseech thee to bless these deliberations, and these thy servants, that they may act with wisdom and understanding for the good of our community and thy greater glory. Amen.

Flag Salute

The notice requirements provided for in the “Open Public Meetings Act” have been satisfied. Notice of this meeting was properly given in a notice which was transmitted to the Times of Trenton and the Trentonian, filed with the Clerk of the Township of Ewing and posted in the Ewing Township Municipal Complex, all on the 4th day of January, 2016.

THE PUBLIC WILL HAVE AN OPPORTUNITY TO ADDRESS THE COUNCIL DURING THE “STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC” SEGMENT OF THE MEETING. MEMBERS OF THE PUBLIC ARE REQUESTED TO SIGN IN ON SHEET PROVIDED IN THE FRONT OF THE ROOM. ALL QUESTIONS AND COMMENTS FROM THE PUBLIC WILL BE DIRECTED TO THE COUNCIL PRESIDENT. WHEN ADDRESSING THE COUNCIL, PLEASE GIVE YOUR NAME AND YOUR ADDRESS.

THE COUNCIL INVITES AND ENCOURAGES PARTICIPATION BY THE PUBLIC IN ITS MEETINGS, HOWEVER A MEMBER OF THE PUBLIC MAY UTILIZE FIVE MINUTES OF TIME FOR REMARKS AND QUESTIONS, UNLESS OTHERWISE ENGAGED IN A DIALOGUE WITH A MEMBER OF THE COUNCIL, ANY FURTHER REMARKS OR QUESTIONS BEYOND THE TIME LIMIT MUST BE AUTHORIZED BY THE PRESIDENT OF THE COUNCIL.

ROLL CALL

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| ▪ Mr. Baxter – Present | Jim McManimon, Administrator |
| ▪ Ms. Keyes-Maloney – Present | Maeve Cannon, Attorney |
| ▪ Ms. Steward – Present | Kim Macellaro, Municipal Clerk |
| ▪ Ms. Wollert – Present | |
| ▪ President Schroth – Present | |

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC FOR ITEMS NOT ON THE AGENDA

A member of the Public asked if comments made during the Agenda Session have to be restated now.

President Schroth responded that technically it is a separate meeting. However, any statements made during the Agenda Session are part of the public record and were memorialized.

There were no additional statements or comments from members of the Public.

BILLS LIST

1. The Clerk read (Resolution #16R-181) A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$582,385.14 and to Pay Supplemental Bills per Resolution #16R-13 in the Amount of \$9,769.01

There were no questions or comments from Council or the Public. Mr. Baxter then moved the Resolution, seconded by Ms. Keyes-Maloney. President Schroth asked for a roll call.

ROLL CALL

Ms. Keyes-Maloney YES
Mr. Baxter YES
Ms. Steward YES
Ms. Wollert YES
President Schroth YES

All items listed under, Consent Agenda, are considered routine by the Township Council and will be enacted by one motion in the form listed below. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and considered separately. There will be one motion for all items listed.

CONSENT AGENDA

The Clerk read the Consent Agenda: (Resolution #16R-182/)

1. Approval of Agenda Session Minutes for July 26, 2016; Approval of Regular Session Minutes for July 26, 2016
2. A Resolution Authorizing the Conduct of an Off-Premise 50/50 Cash Raffle Sponsored by BPOE #105 Trenton
3. A Resolution Authorizing the Conduct of an Off-Premise Merchandise Raffle Sponsored by Credit Union of New Jersey Foundation, Inc.
4. A Resolution Authorizing the Conduct of an Off-Premise Merchandise Raffle Sponsored by Delta Sigma Theta Sorority Inc. Trenton Alumnae Chapter
5. A Resolution Authorizing the Conduct of a Bingo Sponsored by Ewing High School Project Graduation

There were no questions or comments from Council or the Public. Ms. Steward then moved the Resolution, seconded by Ms. Wollert. President Schroth asked for a roll call.

ROLL CALL

Ms. Wollert YES
Ms. Steward YES
Mr. Baxter YES
Ms. Keyes-Maloney YES
President Schroth YES

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

1. The Clerk read (Ordinance #16-16) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 225-59 SCHEDULE XII: STOP INTERSECTIONS TO ADD STOP SIGNS ON BROAD AVENUE, WESTERN AVENUE AND FLORENCE AVENUE A THEY APPROACH BRENWAL AVENUE

President Schroth said that the Public Safety Officer determined, in the interest of public safety, that stop signs be added to these intersections due to difficulties with “line of sight” as vehicles approached these intersections.

Councilman Baxter said that the language needs to be changed. It should be “... Florence Avenue as they approach Brenwal...” not “...Florence Avenue a they approach Brenwal...”

The Clerk stated that she will make the change.

President Schroth commented that this is the dictionary definition of de minimis.

There were no additional questions or comments from Council. There were no questions or comments from the Public. Ms. Steward then moved the Ordinance, seconded by Mr. Baxter. President Schroth asked for a roll call.

ROLL CALL

Mr. Baxter	YES
Ms. Steward	YES
Ms. Keyes-Maloney	YES
Ms. Wollert	YES
President Schroth	YES

ORDINANCE(S) FOR SECOND READING, PUBLIC HEARING AND FINAL ADOPTION

1. **The Clerk read (Ordinance #16-14) AN ORDINANCE OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, AMENDING ZONING WITHIN THE TOWNSHIP**

WHEREAS, the Mayor and Council of the Township of Ewing wish to implement the Township's Master Plan through updating the Township's Land Development Ordinance; and

WHEREAS, the Mayor and Council of the Township of Ewing wish to enhance and create a sense of place that encourages economic vitality and community activity through well-designed land development that is consistent with established and planned land use patterns and preserves the community's suburban and urban landscapes alike, which make Ewing Township a unique and desirable place to both live and work; and,

WHEREAS, the Township's Master Plan and subsequent Reexamination Reports identify the need to implement the recommendations for a town center for the former General Motors and Naval Warfare sites through redevelopment and zoning; and

WHEREAS, the Township's Master Plan and subsequent Reexamination Reports identify the need to analyze existing land use patterns and underlying zoning and make recommendations for changes where incongruous land uses directly abut one another; and

WHEREAS, the Township's Master Plan and subsequent Reexamination Reports identify the need to Ensure that any redevelopment efforts in the West Trenton area are inextricably linked to and consider pedestrian, vehicular, bicycle and mass transit circulation patterns; and,

WHEREAS, amending the Township's Land Development Ordinances to be consistent with its Master Plan is within the purpose and intent of the Municipal Land Use Law, N.J.S.A. 40:55D- et.seq, and;

WHEREAS, the Township Planning Board reviewed and found the ordinance to be consistent with the Master Plan in several areas including addressing the following Goals:

- Enhance and create a sense of place that encourages economic vitality and community activity through well-designed land development that is consistent with established and planned land use patterns and preserves the community's suburban and urban landscapes alike, which make Ewing Township a unique and desirable place to both live and work
- Maximize potential for expansion of the economic base to support the costs of providing municipal and educational services to Ewing residents.
- Analyze existing land use patterns and underlying zoning and make recommendations for changes where incongruous land uses directly abut one another.
- Combine circulation and land use objectives wherever possible.
- Provide for the safe and efficient circulation of people and goods by capitalizing on Ewing Township's excellent regional highway access and multi-modal transportation system.
- Designate and encourage the development of meaningful pedestrian corridors and bikeways linking Township, County and State recreational and community facilities within Ewing and surrounding municipalities.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Ewing, County of Mercer, State of New Jersey, as follows:

1. Chapter 215, Article II, Section 215-31 of the Township Code, is amended with the following additions:

TC - Town Center Zone.

The Town Center Zone is developed to supplement the Township's redevelopment efforts of the former General Motors and Naval Warfare Center sites and support Transit-oriented development. Where subject to the requirements of a redevelopment plan developed under the Local Redevelopment and housing law, this zone will remain underlying, and as such, are superseded by the redevelopment plan.

A. Permitted principal uses.

- (1.) Restaurant, bar or other similar establishment serving food or beverages. *New Drive-thru services are prohibited.*
- (2.) Professional Office in accordance with the Principal and Accessory Use regulations of the PRO- Professional Research Office Zone
- (3.) Retail goods and services in accordance with the Principal and Accessory Use regulations of the BN- Neighborhood Business Zone (With exception to single-family housing). *New Drive-thru services are prohibited*
- (4.) Office in accordance with the Principal and Accessory Use regulations of the OP3- Office Park – 3 Zone
- (5.) Hotels
- (6.) Combination of two or more permitted uses within one building.
- (7.) Uses existing as of the date of adoption of this amendment may be permitted to expand upon review and approval of site plan and design standards.
- (8.) Existing Gasoline Service Stations

B. Permitted accessory buildings and uses.

- (1) Off-street parking facilities, including parking garages, charging stations, and refuse collection structures.
- (2) Fences, walls and hedges as regulated by § 215-63.
- (3) Signs as regulated by ordinance.
- (4) Satellite communications dish receiving antennas, provided the dish antenna does not exceed 15 feet in diameter, is not located in a front yard, conforms to the rear and side yard requirements for a principal building and does not exceed 5 feet in height. Microwave antennas or facilities are not permitted as an accessory use.
- (5) Other uses customarily incidental to a permitted principal use or conditional use, such as;
 - a. Club House
 - b. Recreational amenities including passive and active recreation.
 - c. Managerial, Sales and Lease Offices.

C. Conditional uses.

- (1) Residential Mixed-use in accordance with the requirements of § 215-35C(15)
- (2) Expansion and Retrofitting of Existing Shopping Centers in accordance with the requirements of § 215-35C(13)
- (3) Multipurpose Fueling Stations / Convenience Stores in accordance with the requirements of § 215-35C(14)
- (4) Residential Multi-family in accordance with the requirements of § 215-35C(16)

D. Bulk requirements.

- (1.) Principal building.
 - (a.) Lot area, corner lot: 22,500 square feet, minimum.
 - (b.) Lot area, interior lot: 20,000 square feet, minimum.
 - (c.) Lot width, corner lot: 150 feet, minimum.
 - (d.) Lot width, interior lot: 100 feet, minimum.
 - (e.) Front yard: 15 feet minimum; 65 feet, maximum. All street frontages shall be considered a front yard as well as those yards fronting main access drives into a development.
 - (f.) Side yard, each: 12 feet, minimum.
 - (g.) Rear yard: 12 feet, minimum.

- (h.) Height: Unless additional regulations are imposed by the FAA; (*See also E.(12). Below*).
- i. Stand alone pad site Retail, Restaurants: One and one-half stories (1 ½) 20' Minimum.
 - ii. Mixed-Use, Retail, Multifamily Residential, Office: Two and one-half stories (2 ½) Minimum. Five (5) story maximum (~75') with exception to architectural considerations which may reach six (6) stories, but for no more than 25% of the frontage of a typical block width (generally 200'). Varied heights, undulations, and façade projections within the block's design along the frontage is mandatory.
 - a) Minimum heights along Parkway Avenue shall be one-and-one-half (1-½) stories with three (3) stories being the ideal at points of key visual interest (corners and sight-lines).
 - b) All heights above three (3) stories, unless otherwise specified in each Zoning District Sections, shall use design techniques that enhance a small town appeal, such as, but not excluding; stepbacks, architectural widths no greater than 140' wide, etc
 - c) The following shall be considered roof appurtenances and may penetrate the maximum height limit by no more than twenty-five (25) feet so long as, in the aggregate, the appurtenances do not occupy more than 10% of the topmost roof:
 - i. Chimneys and flues
 - ii. Elevator or stair bulkheads, water tanks and mechanical equipment (such as air conditioning condensers)
 - iii. Parapets, cornices and other decorative architectural elements will not count toward roof coverage so long as they are not higher than five feet above the roof slab.
 - d) The Zoning Board of Adjustment may modify the height regulations set forth in this Section for any development pursuant to the requirements and limitations of the MLUL in the course of site plan review. As a condition for such modification, the Board shall find that:
 - i. The design standards of the Zone are met to the extent necessary and feasible.
 - ii. The project is providing additional, or improving existing, open space or public gathering spaces.
 - iii. The project provides adequate access to open spaces, community facilities as well as light and air to surrounding streets and properties.
 - e) The Board may also prescribe appropriate conditions and safeguards to protect and minimize any adverse effects on the surrounding community.

(2.) Accessory building.

- (a.) Distance to side lot line: five feet, minimum.
- (b.) Distance to rear lot line: five feet, minimum.
- (c.) Height: one (1) story, not to exceed ten feet (10') , with the exception of clubhouses, detached garages and structures associated with recreation amenities, which shall not exceed one and one half (1 ½) stories and twenty four feet (24')

(3.) Lot coverage.

- (a.) Total impervious surface lot coverage shall not exceed 75%.

E. General requirements.

- (1) All buildings and uses shall be served by public water and sewage.
- (2) Separation of parking from public streets. Along each street line, as defined, bounding the district, an additional minimum seven foot (7') landscaped strip shall be provided for the first row of parking proposed; ten feet (10') shall be provided for two rows. An additional five-feet (5') shall be provided for each row of parking proposed in addition to the first two rows. Such strip shall be suitably landscaped to work with, and in addition to, the landscape requirements for streetscapes and access-ways. The landscaped strip shall be separated from the parking area by continuous concrete curbing except at access-ways designed for pedestrian access to the public right-of-way.
- (3) Screening or buffer strip. Along each side and rear property line which adjoins a land

use where screening or buffer strip is warranted, such as a residential development locating next to an existing commercial/industrial land use, both within the Township or a similarly in an adjoining municipality, a screen or buffer planting strip shall consist of massed evergreens and shrubs of such species and size to produce an effective screen at the time of the initial installation. The screen or buffer strip shall be landscaped in accordance with a plan acceptable to the Planning Board. The width of the planted screen may vary depending on the ability to carry out the intent of this section, but generally 20 feet is typical. It shall be the responsibility of the applicant to implement, maintain, and replace as is required to obtain the effect intended by the original approval.

(4) Landscaping. Those portions of all yards not used for parking, loading, circulation, unloading and service shall be planted and maintained at all times. Design shall be in accordance with the Township's Landscape ordinance. Open grass detention basins are discouraged and the design of any stormwater facility shall become an integral part of the project's design.

(5) Entrances and exits. All entrances and exits upon a public street shall not be located within 100 feet of any major street intersection (County Routes) and 50 feet from any local street; the distance is to be measured from the intersection of the right-of-way lines at the corner affected and the closest point of such proposed driveway. No entrance or exit, at the curblin only, shall be closer than five feet from a side lot line. Entrance and exit sizes, locations and construction shall also be in accordance with requirements of the governmental agency having jurisdiction over the facility upon which the permitted use has frontage.

(6) Loading docks and service areas. Loading docks and service areas may not be situated along any street frontage. Provision for handling all heavy freight shall be on those sides of any building which do not face any street or proposed streets. Garage and overhead doors are permitted and shall be incorporated into the design of the building.

(7) Outdoor storage areas. No use or accessory use shall be constructed to permit the keeping of articles, equipment, goods or materials in the open, exposed to public view, adjacent residences or a residential district. When necessary to store or keep such materials in the open, the area shall be fenced and a buffer planting strip situated along a public street screening the view from the public.

(8) Child-care center. Where a child-care center is developed within a nonresidential building, the floor area occupied by the center shall not be included in the calculation of permitted density of development or in the calculation of any parking requirement for that building or lot.

(9) Innovative stormwater treatment and storage is encouraged. Above ground detention is discouraged and not permitted along any street frontage. Above ground facilities may be located along secondary streets so long as they are landscaped naturally as bioretention facilities, public spaces, wetlands, or the like. All detention plans must be submitted as part of a project's comprehensive Landscape Plan submitted to the Board for approval.

(10) Development shall provide convenient linkages between existing mass transportation transfer points and pick-up points that are within a five minute walking distance from all residential units, or 1,500 feet. Bus facilities (stops and bus lanes, etc.), as appropriate, shall be incorporated as part of the design considerations to ensure convenient access to said facility. Final review and design of all facilities shall belong to the Township in consultation with the appropriate operators.

(11) Pedestrian Access. Pedestrian Access shall be provided between streets and related intersections and the development. For blocks or building fronts greater than 200', a separate pedestrian access point shall be provided. Pedestrian access points shall be coordinated with and between on-site traffic circulation patterns, parking, and building access.

(12) Design Standards.

(a.) Design Goals for All Projects.

(i) Buildings should be designed and sited to provide visual interest and create enjoyable human-scaled spaces.

- (ii) Designs for proposed buildings should recognize, in form and proportion, surrounding and neighborhood buildings in the general vicinity and adjacent zoning.
- (iii) Building designers should strive for creativity in form and space wherever contrast and variety are appropriate to the larger aesthetic the Township seeks to create.
- (iv) All street frontages shall be treated architecturally as if the front.
- (v) Establishment of a street network and driveway configurations through cross-access easements and shared driveways to enhance pedestrian and bicycle access to:
 - a. Reduce curb cuts along major thoroughfares.
 - b. Connect to Parks and Open Space trail networks
 - c. Connect to commercial goods and services
 - d. Connect to Mass Transit facilities, including bus and train.

(b.) Design Guidelines for All Building Types.

- (i) Proportion. A development's buildings should be designed so as to relate to the proportions of architectural forms, planes, and details within the existing physical context of the site. Proportions are the ratios established by the length, width, and height and may exist as planar or volumetric measurements. Doors, windows, stairs, porches, pediments, architraves, roof shapes, and entire facades are frequently used as the elements that create proportion.
- (ii) Horizontal building elements. Buildings shall be designed with a base, middle, and top facade.
- (iii) Scale. Designs should incorporate architectural elements that give scale, or a sense of scale to buildings, scale being the relationship of a person to a building.
- (iv) Entrances. Entrances should clearly identify important access points, provide an introductory architectural statement to the building and be landscaped in a fashion complementary to the architectural elements of the entranceway.
- (v) Building elevation. All elevations of a building's exterior should be coordinated with regard to color, materials, architectural form and detailing.
- (vi) Facade treatment. The number of different materials on exterior facades should be limited to three types.
- (vii) Windows, with exception to those in offices, should be primarily double hung sash types with a glass area divided by horizontal and vertical muntins.
- (viii) Color and texture. The color and texture of a building aids in the expression of scale, location of entrances and provides architectural unity to the building. Offsets in walls and building masses should be used to create visual interest in simple buildings.
- (ix) Roof Design Guidelines.
 - a) Roof shape, color, and texture should be coordinated with the exterior materials of the building's facade.
 - b) Roof design should minimize the negative impact of roof protrusions by grouping plumbing vents, ducts, and other utility structures together in the area of the roof at the rear of the building, away from the streetline.
 - c) All rooftop mechanical and electrical equipment, including elevator penthouses, shall be screened from the view of persons at ground level by a parapet wall, within the roof structure itself, or removal to a screened ground level structure.
 - d) Buildings under 6,000 gross square feet in footprint should be designed with a pitched roof such as a gable, hip, or gambrel not less than 4 inches in rise for every 12 inches in run.

(c.) Design Guidelines for Professional Office. The following additional design standards for professional offices shall apply:

- (i) Parking lots shall be primarily oriented to the side and rear of the

building line established by the front wall of the building. A maximum of 10% of the project's parking requirement may be satisfied with parking in the front yard.

- (ii) Dormers, parapets, and/or cornice trim should be used to visually break up large roof masses.
- (iii) Exterior materials should be brick, stone, horizontal siding or wood shingle, or a combination of such materials.
- (iv) A pedestrian circulation plan shall be provided.

(d.) Retail and Commercial Design Standards (including Restaurants). The following additional design standards for retail uses shall apply:

- (i) Retail stores oriented towards a street shall have a minimum of 50% of the first floor building facade consisting of glass display windows.
- (ii) Building entrances should be oriented towards the street.
- (iii) Common concrete block shall not be used on any elevation visible from a public street. Where permitted, common concrete block shall be painted or otherwise finished.
- (iv) A pedestrian circulation plan shall be provided.

(f.) Streetscape. All streetscapes shall be designed to present a uniform look along in the TC Zone. The landscaping standards shall be applied to all projects. A minimum fifteen (15') sidewalk easement shall be required for all projects consisting of:

- (i) Three foot (3') landing zone. Brick.
- (ii) Seven foot (7') sidewalk along Parkway Avenue. Five (5') foot sidewalk along Silvia Street and internal walkways. Concrete
- (iii) Planting Strip / Landscape Easement seven foot (7') minimum in accordance with Township Standards. Alternatives may be considered by the Planning Board..
 - a. London Plane Trees shall be planted thirty feet (30') on-center along Parkway Avenue
 - b. Honey Locust shall be planted Thirty (30') on-center along Silvia Street.

2. Chapter 215, Article II, Section 215-35(c) of the Township Code, is amended to include the following addition:

Amend as follows (13) Expansion and Retrofitting of Existing Shopping Centers in the TC Zone

- (a.) New buildings should relate to the street upon which it fronts and be at least one-and-a-half to two-and-a-half stories in height with active uses or in architectural treatments
- (b.) Apartment and/or Office uses above the first floor are encouraged.
- (c.) Sidewalk and streetscape standards shall be met.
- (d.) Pedestrian pathways shall be established from any rear parking lot to the street sidewalk system in the front and side(s) of a building (if applicable) and shall be a minimum of 5 feet wide.
- (e.) First and second or higher floors should be separated by means of belt or string courses, pent roofs, awnings, porte-choceres or similar architectural elements.
- (f.) Retail stores oriented towards a street or a pedestrian walkway connecting to other adjacent lots shall have a minimum of 50% of the first floor building facade consist of glass display windows. No more than 6 linear feet out of each 25 feet shall be permitted to be blank wall.
- (g.) Exterior building materials should primarily be brick, wood siding, wood shingle, or stucco.
- (h.) The primary entrance to a building should be accessed directly from a public street with secondary access oriented towards parking lots.
- (i.) Entrances to apartments on upper floors should be oriented towards associated parking.
- (j.) Shared Parking facilities/garages are encouraged.

- (k.) Locations for the parking of bicycles shall be provided.
- (l.) Drive-thru services are prohibited.
- (m.) New fast food establishments are prohibited
- (n.) Landscaping requirements are met unless site constraints require deviation.
- (o.) Sign regulations are met. No pylons of any type are permitted, nor is expansion of existing pylons that may be grandfathered. The Board may entertain an increase in size depending upon site context and community character.
- (p) All stores which have shopping carts shall employ a system that ensures to the extent practical, the immediate return of said carts; such as a monetized system.

add in its entirety (16) Residential Multifamily Housing –

- (1) Residential multifamily housing shall comply with the bulk requirements set forth in Section 215-31D for principal buildings.
 - (2) Architecture must present a significant presence along major street frontages and between structures within the same complex or adjacent residential development. In addition, the following requirements shall be met:
 - a. No residential building may front Parkway Avenue, unless mixed-use.
 - b. Residential buildings shall meet the Design Standard criteria in Section 215-31E.
 - c. Blank street-walls are prohibited.
 - (3) All developments shall create walking and bicycling paths that connect both on-site and off-site amenities, including but not limited to the following:
 - a. Expansion of pathways within existing development upon expansion
 - b. Connecting to neighborhood amenities such as, but not exclusive of;
 - i. Main thoroughfares in order to gain access to goods and services, or jobs.
 - ii. Transit services
 - iii. Bike and open space networks.
 - (4) Stormwater management shall be integrated within the landscape design of the site. Grass detention basins are discouraged unless designed to become an integral part of the on-site amenities, such as a play area during dry days. Rain gardens, naturalized retention basins, and wetland creation are preferred.
 - (5) Bicycle storage amenities shall be provided on-site. Whether internal or external, such amenities shall be sheltered and organized within the design scheme of the development.
 - (6) One (1) row of parking is permitted within the front yard area, and shall be landscape buffered in accordance with Section 215-57. Otherwise large parking facilities are prohibited in the front yard area. On-street parking is permitted where appropriate.
 - (7) Nonresidential and/or public uses may be located on site, such as;
 - a. Restaurant, café or coffee shop
 - b. Entertainment venues such as theaters, museums, and galleries
 - c. Fitness center/ clubhouse, including swimming facilities
 - d. Postal and package services.
4. Upon introduction and first reading, a copy of this Ordinance shall be referred to the Planning Board for a master plan consistency review in accordance with N.J.S.A. 40:55D-62. This Ordinance shall not be scheduled for public hearing and final adoption until after the Planning Board shall report back to Council in the form of a resolution as to the consistency of this Ordinance with the master plan of the Township of Ewing. The Planning Board shall report on its master plan consistency review within 30 days of the date hereof.

President Schroth explained that this is an amendment of the zoning with regards to the Town Center development project. The amendments are de minimis in nature as discussed and the Ordinance, otherwise, has not been changed in any substantial manner.

The Attorney added that the Planning Board has performed its Master Plan Consistency Review and has approved it with these minor tweaks which are de minimis in nature.

There were no questions or comments from Council.

Ms. Keyes-Maloney made a motion to open the Public Hearing, seconded by Mr. Baxter. It was agreed by unanimous voice vote.

Rebecca Lynn (1008 River Road) asked if the Planning Board had to officially approve this or just discuss it before it was sent back to Council.

The Attorney explained the process for a Zoning Ordinance.

Ms. Lynn asked if the Planning Board actually voted on it.

The Attorney said that they probably did a resolution before it was sent back to Council and then explained the process if the Planning Board found that an Ordinance was not consistent with the Master Plan. Council is still able to adopt it as long as a “reasons” resolution is adopted with it. The Attorney stated that this particular Ordinance was found to be consistent with the Master Plan and was sent back to Council with a few tweaks which were de minimis.

Ms. Lynn asked if all of this has to be decided during a Planning Board meeting, or can it happen between the Planning Board meeting and the Council meeting. Ms. Lynn commented that it did not seem that the Planning Board had it all worked out by the end of that meeting.

Ms. Lynn, the Attorney, and Council then had a discussion regarding how this Ordinance was dealt with by the Planning Board and how it came back before Council.

David Lyons (530 Washington Avenue) said that he heard tonight that there is a procedure for zoning ordinances and then asked where can he find this procedure. The Attorney responded that it is a State statute, under the Municipal Land Use Law.

There were no additional questions or comments from the Public.

Ms. Steward made a motion to close the Public Hearing, seconded by Mr. Baxter. It was agreed by unanimous voice vote. Ms. Keyes-Maloney made a motion to move the Ordinance as amended, seconded by Ms. Wollert. President Schroth asked for a roll call.

ROLL CALL

Ms. Wollert	YES
Ms. Keyes-Maloney	YES
Mr. Baxter	YES
Ms. Steward	YES
President Schroth	YES

NEW BUSINESS

1. The Clerk read (Resolution #16R-183) A RESOLUTION TO AMEND RESOLUTION 16R-149 AND CANCEL INCLUSION OF BULLET PROOF VEST PARTNERSHIP GRANT - \$1,380.12 IN THE 2016 MUNICIPAL BUDGET

President Schroth explained that this is the cancellation of this partnership grant because we have unused funds. New grants are issued every year for this program.

There were no questions or comments from Council or the Public. Ms. Steward then moved the Resolution, seconded by Ms. Wollert. President Schroth asked for a roll call.

ROLL CALL

Ms. Wollert	YES
Ms. Steward	YES
Mr. Baxter	YES

Ms. Keyes-Maloney YES
President Schroth YES

2. The Clerk read (Resolution #16R-184) A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87

The Attorney said that this is a routine amendment in which Council is authorizing the addition of various items of revenue into the Municipal Budget. The Budget is set in stone until Council approves resolutions either adding or removing items.

There were no questions or comments from Council or the Public. Ms. Keyes-Maloney then moved the Resolution seconded by Mr. Baxter. The Council President asked for a roll call.

ROLL CALL

Mr. Baxter YES
Ms. Keyes-Maloney YES
Ms. Steward YES
Ms. Wollert YES
President Schroth YES

3. The Clerk read (Resolution #16R-185) A RESOLUTION TO DISSOLVE EWING TOWNSHIP'S DISASTER RELIEF FUND AS APPROVED BY DIVISION OF LOCAL GOVERNMENT SERVICES UNDER N.J.S.A. 40A:5-29 ACCEPTANCE OF BEQUESTS, LEGACIES, GIFTS

President Schroth explained that this fund was created as a mechanism for bequests, legacies and gifts for people harmed by the gas explosion at South Fork. All of the people have been helped to the extent that they can be helped and there is no further use for this fund to exist. There is a balance of about sixty dollars. It is time to dissolve it.

There were no questions or comments from Council or the Public. Mr. Baxter then moved the Resolution, seconded by Ms. Steward. President Schroth called for a roll call.

ROLL CALL

Ms. Steward YES
Mr. Baxter YES
Ms. Keyes-Maloney YES
Ms. Wollert YES
President Schroth YES

4. The Clerk read (Resolution #16R-186) A RESOLUTION GRANTING JASON ULRICH PERMISSION TO RECEIVE HIS SERVICE FIREARM (GLOCK 21, .45 CAL. SEMI-AUTOMATIC PISTOL SERIAL NUMBER RYA-931) UPON HIS RETIREMENT FROM THE EWING TOWNSHIP POLICE DEPARTMENT OCTOBER 1, 2016

President Schroth said that this is fairly routine. We have seen these many times before; when officers retire, they receive their service weapon. There is no longer a use for that weapon in terms of it being redeployed in the Department.

There were no questions or comments from Council or the Public. Mr. Baxter then moved the Resolution, seconded by Ms. Wollert. President Schroth asked for a roll call.

ROLL CALL

Ms. Wollert YES
Mr. Baxter YES

Ms. Keyes-Maloney YES
Ms. Steward YES
President Schroth YES

5. The Clerk read (**Resolution #16R-187**) A RESOLUTION IN SUPPORT OF LEGISLATION REQUIRING DOT TO COMPENSATE LOCAL GOVERNMENT FOR CONTRACTUAL DELAYS DUE TO SHUTDOWN OF TRANSPORTATION PROJECTS FUNDED BY PROCEEDS OF THE TRANSPORTATION TRUST FUND AND ALLOWING LOCAL GOVERNMENT TO FUND TRANSPORTATION PROJECTS WITHOUT PENALTY

President Schroth explained that the Legislature recently passed legislation requiring the DOT to compensate local governments for delays due to the shutdown of the Transportation Trust Fund that might come about as a result of the lack of funding from the Trust Fund where local governments proceeded with projects and where previously they might have been penalized for taking such action. It is simply affirming the State legislation which is perhaps moot at this point, given the recent resolution to this crisis with the well-publicized twenty-three cent gas tax hike.

There were no questions or comments from Council or the Public. Ms. Keyes-Maloney moved the Resolution, seconded by Ms. Steward. The Council President called for a roll call.

ROLL CALL

Ms. Steward YES
Ms. Keyes-Maloney YES
Mr. Baxter YES
Ms. Wollert YES
President Schroth YES

6. The Clerk read (**Resolution #16R-188**) A RESOLUTION CONSENTING TO THE APPOINTMENT OF JOHN M. EASON TO THE EWING TOWNSHIP ARTS COMMISSION

The Council President stated that we had a recent vacancy on the Arts Commission and Mr. Eason came to us highly recommended and highly qualified. President Schroth thanked Councilwoman Keyes-Maloney for bringing him to us. His artwork is currently hanging throughout this building; it is spectacular. He will be an asset to the Arts Commission.

There were no questions or comments from Council or the Public. Ms. Keyes-Maloney then moved the Resolution, seconded by Ms. Wollert. The Council President asked for a roll call.

ROLL CALL

Ms. Wollert YES
Ms. Keyes-Maloney YES
Mr. Baxter YES
Ms. Steward YES
President Schroth YES

7. The Clerk read (**Resolution #16R-189**) A RESOLUTION OF THE TOWNSHIP OF EWING AUTHORIZING THE PURCHASE OF ENERGY GENERATION SERVICES

President Schroth explained that this is an auction that just took place today. Time is of the essence because of the fluctuation in the energy markets. The Township will be locked-in to a very favorable energy rate over the course of the next two years. It brings stability to the Township in terms of the budgeting process as we do not have to deal with unforeseen fluctuations in the market.

There were no questions or comments from Council or the Public. Ms. Keyes-Maloney then moved the Resolution, seconded by Ms. Steward. President Schroth asked for a roll call.

ROLL CALL

Ms. Steward	YES
Ms. Keyes-Maloney	YES
Mr. Baxter	YES
Ms. Wollert	YES
President Schroth	YES

CLOSED SESSION

(None for this Meeting)

ADJOURNMENT

There being no further business President Schroth called for a motion to adjourn. Mr. Baxter so moved seconded by Ms. Wollert. The meeting was adjourned at 8:28 p.m.

David P. Schroth, President

Kim J. Macellaro, Municipal Clerk