

**ROBBINSVILLE TOWNSHIP PLANNING BOARD MEETING
ROBBINSVILLE TOWNSHIP, MERCER COUNTY, NJ
WEDNESDAY, APRIL 16, 2014 7:30 P.M. - SENIOR CENTER**

MINUTES

Present: Mr. Kolibas, Mr. Heilman, Mr. Silvestrov, Mrs. Goodwine, Mrs. Van Nest, Mr. Galluccio, Mr. Shennard, Chairman Cettina

Absent: Mr. Witt, Mr. Barker, Ms. Breyta

Also Present: Mr. McGough, Township Engineer; Mr. Dasti, Esq., Planning Board Attorney;
Mr. Wiser, Planning Consultant; Ms. Post, Planning Board Secretary

ROLL CALL

The meeting was called to order by Chairman Cettina. Roll call for the above members was called.

SUNSHINE STATEMENT

Chairman Cettina read the following statement: "Adequate notice of this meeting has been provided as required under Chapter 231 P.L. 1975 specifying the time and place with such notice as being sent to the *Times of Trenton*, *Messenger Press* and the *Trentonian* and posted on the Municipal Building Public Notice Meeting Bulletin Board."

FLAG SALUTE

The Board members present led the public in the salute to the flag.

CORRESPONDENCE

There was no additional correspondence other than what the Board already received in their packets.

PUBLIC COMMENT

Chairman Cettina asked for a motion to open the meeting to public comment for matters not related to items on the agenda. A motion was made by Mrs. Goodwine and seconded by Mr. Shennard to open the meeting to the public. All in favor. Since no one from the public came forward to address the Board, a motion was made by Mrs. Van Nest and seconded by Mrs. Goodwine to close the public portion of the meeting. All in favor.

REPORT OF OFFICERS & COMMITTEES

There were no reports.

BOARD COMMENTS

There were no Board comments.

BUSINESS TO DISCUSS

1. Brief Presentation on the Redevelopment Plan Amendments entitled *Northern Tract: Parcel B Amendments to the Redevelopment Plan, Town Center South Redevelopment Area*, dated April 4, 2014 by Stuart Wiser, PP, AICP

Mr. Wiser stated for the record that he is a licensed professional planner in the State of New Jersey and works for Remington & Vernick Engineers. The presentation he is giving tonight is very similar to the presentation he did a year ago related to the Walgreens project. Representatives of the designated redeveloper are present this evening for a project located in what is the center of Town Center. The location of the project is Block 1, Lot 17, located across from Mack Dinette off Park Street on Route 33. The proposal is for the construction of a four story building consisting of three stories of nine residential units over the ground floor of commercial with associated parking around the building.

Mrs. Goodwine asked what exists on that parcel now.

Mr. Wiser responded that there was an old house on the site that has been demolished. The building has gone through Mr. Wilson's architectural review process and will be located where it should be.

Mrs. Goodwine remarked that it looks like her office building in Town Center.

Mr. Wiser emphasized that is the point. As most of the Board is aware in October 2010, the Township Council declared a portion of the Town Center to be an area in need of redevelopment under the *Local Redevelopment Housing Law*. On the poster, he indicated the Route 33 bypass as it connects to Route 130 and the proposed Liberty Street, the cut through street. It was designed to marry up with the right-of-way on Town Center North. At the time the redevelopment plan was adopted, they proposed what they call a northern parcel and a southern parcel. The northern parcel was supposed to generally reflect north of Route 33 and Town Center. The southern parcel was a little more free form, but generally consistent with the concepts in the Town Center Master Plan. In January 2012 when the Township was crafting this redevelopment plan, JP Property LLC submitted a site plan and other approvals necessary for redevelopment of the project that he just described for Block 1, Lot 17. At that time the redevelopment plan was near its completion, but had not yet been adopted. JP Property LLC had and still have the right to legally pursue their application under the existing Town Center regulations. After discussion with the Township staff, JP Property LLC elected not to move forward under the municipal land use process and decided to wait for the redevelopment plan to be adopted and go through the redevelopment plan process. On or about May 2013, JP Property LLC submitted an Expression of Interest in accordance with the redevelopment plan and sought to be named redeveloper for that lot. After review of the Expression of Interest, the Township Council designated JP as Redeveloper Candidate for the subject property and authorized the commencement of negotiations of a Redevelopment

Agreement. The Township has worked to finalize details related to the redevelopment of Parcel B, subject property, and has identified certain revisions to the redevelopment plan that are necessary in order for the project to move forward. Once again, this is very similar to Walgreens. The Board has the document before them and a lot of this is to bring things current - updating what was then and what is now. The introduction, the definition and certain parts of the redevelopment provisions have been updated so that it is current. The major change is similar to what they did with Walgreens when they created Parcel A on the corner. With this change, they are proposing to create Parcel B. The reason Parcel B is being created is because this project is on a smaller lot than the redevelopment plan had initially anticipated and the plan requires some modifications in order to make the project achievable. The concept here as with Walgreens is to create this parcel so those modifications would be applicable only to that parcel and not to the balance of the redevelopment area. In respect to the principle changes that are being proposed tonight, all of the uses were made the same. The only change to the redevelopment plan as originally proposed is that it permitted all of the construction staging to the southern parcel under the theory that all of this was going to be done by one or two individuals. They don't have that now so they needed to change the redevelopment plan to permit sales trailers and construction related infrastructure to be developed on the individual parcel.

Mrs. Goodwine asked if there was a copy of that in what they received.

Mr. Wiser answered yes. There is a chart on page 11. This one was modified for the poster, but all of the information for site and building controls is right there. The information on the poster shows the existing and what is proposed for minimum parcel size, minimum width and minimum parcel depth. There had been no minimums established. The northern tract was supposed to be developed as one parcel. They don't have that so they modified the parcel area lot width and depth in order to reflect this one particular lot. The concept is still there, it is just being more specific.

Mrs. Van Nest mentioned that she did not see where the change is.

Mr. Wiser said the minimum parcel size is now Block 1, Lot 17.

Mrs. Van Nest asked if there is a big change because she doesn't see the difference.

Mr. Wiser responded that the difference is that there was no minimum. The entirety of the blue area was the minimum parcel. The parcel width and parcel depth reflected the thought at the time that the project would be the entirety of the blue. What they have done was step back and made it reflective of the existing parcel as it sits there today. There will be no changes proposed to the lot area, lot width and lot depth as it exists today.

Chairman Cettina said for clarity, prior to Walgreens, it used to be that they had a northern section. When Walgreens applied, they created Parcel A and the remainder of the northern section. Now they are saying that they are not encompassing the

whole thing so now they are creating Parcel B and correcting what is necessary for just a smaller lot.

Mr. Wisner confirmed that was true.

Chairman Cettina asked if the first three items strictly related to the lot sizes. Now, it is just Parcel B for Block 1, Lot 17.

Mr. Wisner said that is correct. The Route 33 setback doesn't change.

Chairman Cettina said that it was always zero.

Mr. Wisner confirmed that it was always zero. Originally, the redevelopment plan talked about the setback from Liberty Street presupposing that a property was going to front Route 33 and also abut Liberty Street. This lot does not do that. It doesn't go that far back so they created a rear yard setback of 20 feet. The Liberty Street setback was 20 feet so the number doesn't change. They just made it recognize that this parcel does not abut Liberty Street.

Mrs. Goodwine asked what it says in red.

Mr. Wisner stated that it says "setback of Liberty Street that crosses out and minimum rear yard setback". The setback of any other right-of-way is 15 feet (each) and does not change. The building height remains 4½ stories and 48 feet+. The maximum impervious surface coverage was 80%. They are recommending the maximum impervious coverage be changed to 85% to be able to encompass this project. The lot is small. If they were to maintain an 80% coverage, they would lose some parking. They are aware that parking in Town Center is a significant issue for the Board and for the town. This is somewhat of a de minimus change and they believe the positives outweigh the negative. In terms of the minimum unit dwelling size, it was 650 square feet and it remains 650 square feet. The FAR remains at 1.3 and there was never a density requirement so that does not change.

Chairman Cettina said another way to look at the impervious coverage is where this lot is (he points it out on the picture). It might be 1/10th or 1/12th (throwing a number out there) of the entire blue area and they are only addressing that area to be 85%, whereas the remainder of the area remains at 80%.

Mr. Wisner said exactly.

Chairman Cettina noted that the overall coverage may end up being nothing.

Mr. Wisner said yes. Those are the substantive changes. There are a number of changes to some of the architectural controls that Mr. Wilson, the developer and he went through and everyone is comfortable. Most of the changes are just adjustment to the language. There are some uses that are permitted uses that already exist out there. Examples are the types of lighting and materials for the windows that the Town Center plan requires, which is something that was picked up in the redevelopment plan. Another example is there is a prohibition against a certain type of aluminum window that was picked up in the redevelopment plan. Currently

Sharbell uses that exact type of window out there. Similarly there was a certain type of lighting that Sharbell is using, which he guesses was granted a variance or waiver over the course of time. They had the redevelopment plan reflect the realities of what's out there as opposed to just maintaining the Town Center plan regulations that this Planning Board or the Zoning Board has already granted waivers to applications. All of that is in your package.

Chairman Cettina said with respect to the specific application, the Board will still see it before them.

Mr. Wisner stated they are asking the Board to make a binding consistency that these changes remain consistent with the Master Plan. They had a finding that the original redevelopment plan was consistent so your finding would be that the changes are consistent with the Master Plan. It then goes to the governing body and that body adopts the document by ordinance after two readings. Once that's done, and the estoppel period is satisfied, the developer is ready to come before you with your standard site plan application. The only difference is instead of looking at the site plan application against your zoning ordinance, you are looking at it against your redevelopment plan just like they did with Walgreens.

Mrs. Van Nest asked who is the builder.

Mr. Wisner replied that it is JP Properties.

Mrs. Van Nest commented that they have Sharbell Builders again because the proposed architecture looks like the buildings that already exist across the street. She would like to see some changes in the architecture. Does the Board have any say in that?

Mr. Wisner said the redevelopment plan specifically calls for the buildings fronting on Route 33 to appear similar to those buildings across the street. That is a public policy decision that has been made and has been a part of the redevelopment plan since the very beginning. The developer is in full conformance with that requirement.

Michael P. Balint, Esq. stepped forward to say he was representing JP Properties, who is the owner and designated redeveloper of the tract. He said that Joe Pintimalli, who is the principal of JP Property, is on vacation. They have been in this process for two years trying to get this tract redeveloped and he did not want to pass up this opportunity to keep this application moving so he is present with Fran Goeke from Lanning Engineers, who is the project engineer. As Mr. Wisner has indicated, their architect is Richard Schroeder. Mr. Schroeder, Mr. Wilson, Mr. Wisner, Mr. Goeke, Mr. Pintimalli and he have met with the staff about the old Town Center Ordinance in developing this property subsequent to their application and designation as redeveloper. They are confident with the plan as it stands now that it is in conformance with the redevelopment ordinance and are hopeful that the Board will endorse the plan. Their target date is sometime in mid to late May with the site plan application, which he will be proceeding with as soon as the ordinance is amended, if it is amended. They will come hopefully prepared to answer all of the Board's questions and present all of the details. He showed a colored rendering of the site plan. He has been doing this for thirty years and part of that was eighteen years with

Robbinsville. This is a different process than he is accustomed. His client has spent a considerable amount of time and effort to try and make this work. It is very difficult to make one property work within the perimeters of a redevelopment ordinance, which is for one district. He thanked Mr. Wiser for spending an enormous amount of time helping to guide them through the ordinance and getting them to the point where they are tonight. He made a request to the Board that they look favorably on this amendment. He hopes to be back before the Board no later than June with a formal application. Mr. Goeke can answer any questions regarding the plan itself. They spent a lot of time with Mr. McGough and one of the engineers from Remington & Vernick on this earlier. He pointed out the underground retention system just in case the Board was wondering where it is.

Mrs. Goodwine asked if he knew the exact dimensions of that parcel.

Mr. Wiser said that it is roughly 100 feet by 200 feet. It is not exactly that, but it is close.

Mr. Balint mentioned that all of the condominium units are one-bedroom units.

Mr. Wiser said his presentation is concluded and he will answer any questions. They are asking the Board to make a finding of consistency with the Master Plan and then a positive referral.

Chairman Cettina stated that the Board had their presentation on this redevelopment plan, and as Mr. Wiser pointed out there are some changes from the first plan that was already approved. They then made changes for the accommodation of the Walgreens, and they are now making another change to adapt to the smaller lot size.

2. Proposed Ordinance 2014-10 – Northern Tract: Parcel B Amendments to the Redevelopment Plan, Town Center South Redevelopment – Review & Recommendation

Chairman Cettina stated that the second item on the agenda is the Proposed Ordinance 2014-10 – Northern Tract: Parcel B Amendments to the Redevelopment Plan, Town Center South Redevelopment. The Board should have a copy of that in their paperwork. This is the ordinance from Council and their job is to review this ordinance with respect to the presentation that they just had and the changes, and determine whether those changes are consistent with the Master Plan. They have already adopted the redevelopment plan. With that being said, he asked if anyone had any questions regarding the way the ordinance amendment was written and presented.

Mr. Shennard had a question for Mr. Wiser. In regards to Block 1, Lot 17, is that only one portion of Parcel B?

Mr. Wiser said that Parcel B is Block 1, Lot 17. He pointed to the entire area shaded in orange.

Mr. Shennard understood that other lots could be built in the blue shaded parcel.

Mr. Wisner said absolutely. Beside from what is already there, the only redevelopment projects that have come forward so far are Walgreens and this project. There are a couple more projects that have been in the works, but they will have to see if they progress.

Chairman Cettina added that the ordinance is creating Parcel B and placing requirements only for Parcel B.

Mr. Wisner confirmed that is correct.

Chairman Cettina stated that is why the changes to the impervious to 85% is only in respect to that small lot.

Mr. Shennard asked if the single bedroom units are Mt. Laurel units or what is proposed in there.

Mr. Wisner said they don't know right now. There is a Mt. Laurel ordinance. The state is doing whatever it is doing with respect to COAH. There is supposed to be some new regulations in place for COAH in late May or early June. He would prefer that the developer answer that question within the context of the site plan and not within the context of the amendments.

Chairman Cettina asked for a motion to find the Ordinance 2014-10 to be consistent with the Master Plan as it is written. Mr. Goodwine made the motion and Mr. Shennard seconded her motion.

ROLL CALL:

AYES: Kolibas, Heilman, Silvestrov, Goodwine, Van Nest, Galluccio, Shennard, Cettina

NAYS: None

ABSTAINS: None

There being eight (8) ayes and no nay or abstain votes, the motion passed in favor of the ordinance being consistent with the Master Plan.

3. Resolution PB2014-06 - Recommendation to Township Council regarding Parcel B Redevelopment Plan Amendment, dated April 4, 2014

Chairman Cettina stated that the Board has the resolution with their recommendation to Council regarding the amendment to the redevelopment ordinance. He asked for a motion to accept the resolution as written. Mrs. Goodwine made the motion and Mrs. Van Nest seconded her motion.

ROLL CALL:

AYES: Kolibas, Heilman, Silvestrov, Goodwine, Van Nest, Galluccio, Shennard, Cettina

NAYS: None

ABSTAINS: None

There being eight (8) ayes, no nay or abstain votes, the motion passed in favor of the ordinance.

4. Other business that may come before the Board

Ms. Post mentioned that there were no matters scheduled for either the Planning Board or Town Center Subcommittee Meetings for next week and recommended that the meetings be canceled. Chairman Cettina agreed and made the announcement to the public.

ADJOURNMENT

Since there was no further business to discuss, a motion was made by Mrs. Goodwine and seconded by Mrs. Van Nest to adjourn the meeting. All in favor. Meeting adjourned at 8:00 p.m.

Respectfully submitted,

Elide M. Post
Planning Board Secretary

Transcribed by: Jewel Timberlake-Morgan

ADOPTED: AUGUST 27, 2014