

**ROBBINSVILLE TOWNSHIP PLANNING BOARD MEETING  
ROBBINSVILLE TOWNSHIP, MERCER COUNTY, NJ  
WEDNESDAY, JULY 23, 2014 7:30 P.M. - SENIOR CENTER  
MINUTES**

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

**Absent:** Mr. Silvestrov, Mr. Witt, Ms. Breyta

**Also Present:** Mr. Dasti, Esq., Planning Board Attorney; Ms. Post, Planning Board Secretary; Mr. Wisner, Planning Consultant; Mr. Gibson, Engineering Consultant

**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 noted.

**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 Mr. Shennard and seconded by Mrs. Goodwine 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**

Mr. Barker commented that the eleven and twelve year old girls softball team is moving on to the finals. Mr. Witt did not attend tonight because his daughter is a team player. Mr. Barker is rooting for the girls to win and go to the World Series. The girls are now playing in Bristol, Connecticut.

## **BUSINESS TO DISCUSS**

- 1. TC14-05-03 - Sharbell Building Company, LLC  
Block 3.44, Lot 1  
2320 & 2330 Route 33  
Zoning: TC-1  
Request for Approval of an Amended Preliminary and Amended Final  
Subdivision with  
Variances**

The applicant is seeking to amend the prior approvals for Buildings F and G for the purpose of creating two separate lots for the mixed-use Building F (proposed Lot 1.01) and non-residential Building G (proposed Lot 1.02). The subdivision will require a variance to permit the side yard setback for proposed Lot 1.01 to exceed the maximum side yard setback of 15 feet required for commercial buildings.

Representing the applicant was Thomas Letizia, Esq. from Pepper Hamilton, LLP. Mr. Letizia stated for the record that proof of notice had been provided to the Board Secretary.

Mr. Dasti said that he has reviewed the notice and found it satisfactory so the Board has jurisdiction to act on this application.

Mr. Letizia stated that the application is for an amended preliminary and final subdivision approval pertaining to a portion of Town Center owned by Sharbell along Route 33 known as the commercial core. It relates to two of the buildings within the commercial core known as Buildings F and G, which have received prior approvals from the Planning Board in 2011. This plan is essentially proposing to draw two lines on the map for the creating of separate lots for the mixed use residential/commercial Building F and retail/office Building G. The purpose of the subdivision is to enable Sharbell to separate Building G from the Lofts at Town Center Condominium Association. Building F will be part of the Lofts at Town Center Condominium Association. Building G will be a separate entity. He reiterated that it is just lines on the map and it will not affect the site plan. The parking and size of the buildings will be the same as previously approved. The parking for Building G, which will be the smaller of the two lots, will be all located on Building F through cross access easements. There is one variance for side yard, which Mark Cannuli will describe in detail. Other than the variance, the application meets the requirements of the ordinance.

Mark Cannuli, PP/AICP, from Sharbell Building Company, LLC was sworn by the Board Attorney. Mr. Cannuli has previously testified before this Board many times and was accepted as an expert witness by the Board.

Mr. Cannuli testified that there is one variance related to the application. As Mr. Letizia mentioned earlier, this application is a request for an amended preliminary and final subdivision approval to create separate lots for a non-residential building in the last section of the TC-1 Zone, which is considered Phase 3B-2. The subject property is located at the corner of Lake Drive and Route 33 and also bordered by Park Street, where construction is taking place for Building F. The purpose of the application is to create a separate lot for Building G and to allow Building F, which has ground floor retail as well as second, third and fourth floor residential condominiums to be included in the existing Lofts at Town Center Condominium Association. This needed to be done for certain financial reasons required for FNMA loans so that buyers can meet certain criteria for the loans. Therefore, by excluding Building G from the Lofts at Town Center Condominium Association and the Master Deed, the restriction will be removed.

Mrs. Goodwine asked if Building G will have its own association. Mr. Cannuli responded that Building G will be owned and maintained by Sharbell. The ground floor of Building G will consist of retail space, the second and third floors will be office space that they will be leasing. Sharbell could condo that building and sell office space if they wanted. The plan is to maintain the building. There will be a shared use for the parking so there will be easements associated with this application as a condition of approval.

Mr. Cannuli testified that one variance needs to be granted for the side yard setback. When the lot was one entire lot, he guesses that it was never called out. The Board's professionals, Mr. Wiser and Mr. Gibson had pointed out in their review letter that Sharbell is creating two lots, which will both be corner lots. Therefore, in this new configuration, the proposed lots now have two side yards. The maximum side yard setback in the TC-1 Zone is 15 feet. There is 30 feet from the west side of Building F to the westerly property line, and because it is now a corner lot fronting on Park Street, the side yard setback is approximately 290 feet from property line. Therefore, it exceeds the maximum side yard setback in the TC-1 Zone. His opinion is that the variance, which is created by the subdivision, will have no impact to the public good, zone plan or ordinance. The subdivision is being created for financial reasons because of certain criteria required by the financier for residential. Neither the architectural or unit count are changing.

Mr. Cannuli stated that they have received two review letters from the Board's professionals prior to the meeting.

Mr. Dasti suggested that he only speak to comments where he has an issue.

Mr. Cannuli wanted to clarify some comments in the Remington & Vernick Engineers' letter. On page 2, item 2 asked for a confirmation of the approval dates for the subdivision. Mr. Letizia in his opening statement cited a good history of the subdivision and when it was approved. On page 4, item 2 asked for a confirmation of the building height. Mr. Cannuli confirmed that the building height is not changing. The height on the site plan and on the subdivision plan has a typo. He confirmed that it is a three-story for Building G and a four-story for Building F. The plans will be revised accordingly. He added that the building dimensions and uses have not changed from the last approval granted so they comply with the

ordinance. He has already testified to the variance for the side yard setback. There is a comment on page 5, item V.B regarding how this application impacts the Town Center Plan's 25% rule for the commercial component of the Town Center to be completely constructed prior to the commencement of construction of the final 25% of the dwellings in the development. At this point, Sharbell has developed an 180,000 square feet, where the minimum for TC-1 Zone is 91,000 square feet so they are well above the 25% rule. Therefore, they are allowed to finish the rest of the development. The comments on page 6 pertain to all of the approvals that are required from outside agencies.

Mr. Cannuli review the Township Engineer's letter dated June 30, 2014. They are fine with all comments in the review letter on page 3, item V.1-6.

Mrs. Goodwine asked what the big orange arrow indicates on the plan. Mr. Cannuli said that indicates the 290 foot side yard setback and the 30 foot side yard setback.

Mrs. Van Nest said that Mr. Cannuli talked about adequate parking. Will that be shared parking?

Mr. Cannuli pointed out on the plan that this building is under construction. Most of the improvements will be in the rear. This entire parking lot will be finished before they start construction for Building G. Most of these buildings have cross access easements. He pointed to where there will be 28 reserved parking spaces for Building F. It will be gated. In this section there is more parking per ordinance requirement than any other section in Town Center. They were able to redesign this plan to have more parking. The ratio is higher per use than behind Building D.

Mrs. Goodwine asked if this Park Street wraps around to the Park Street that connects to Robbinsville-Edinburg Road. Mr. Cannuli said that Park Street will connect to Route 33 to Union Street. Mrs. Goodwine said that there is another Park Street. When you go down Robbinsville-Edinburg Road and make a left, there is Park Street. Mr. Cannuli said Mrs. Goodwine is correct. Park Street extends up through the development down out to Robbinsville-Edinburg Road.

Mrs. Van Nest understand that the building under construction will have parking to share with the new building. Mr. Cannuli said yes that with the exception of the parking for the 28 reserved spaces that are designated and gated for the residential units. There is parking along Route 33 and Lake Drive. Building F has seven affordable units.

Mrs. Goodwine asked if this is going to have signage similar to what was put behind DeLorenzo's. There was an issue with the residents parking there.

Mr. Cannuli answered that behind Buildings D & E, they put signage as to what is required for residential parking in advance of having any issues. Signage for Buildings A, B and C seem to be working for them. There is a much larger parking field that is shared. There won't be an issue with residents parking and non-residential uses not having parking available. For Buildings A, B and C, it was 3.5

spaces per 1,000 for non-residential parking. Here, it is over 6.0 spaces per 1,000 for parking. The ideal all along is that there is supposed to be shared parking.

Mrs. Van Nest stated the complaint was that people living there did not park in their reserved spaces. Mr. Cannuli said the current signage works.

Mr. Cannuli noted that there were no comments from the Construction Official, Fire Department or Police Department.

Chairman Cettina asked for questions or comments from the Board. Hearing none, he asked for a motion to open to the public. A motion was made by Mr. Shennard and seconded by Mrs. Goodwine to open to the public. Since no one from the public came forward to address the Board, a motion was made by Mrs. Goodwine and seconded by Mr. Shennard to close the public comment portion of the meeting.

Chairman Cettina asked for a motion for approval of the amended preliminary and amended final subdivision with variances for TC14-05-01 - Sharbell Building Company, LLC.

Mr. Dasti stated that there was expert testimony that the variances requested would not cause adverse impact to the public good or zone plan. Nothing in the two buildings have substantive changes from the prior approval.

Mrs. Van Nest made a motion to approve the application and Mr. Shennard seconded her motion.

ROLL CALL:

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

NAYES: None

ABSTAINS: None

There being eight (8) aye votes and no nay or abstain votes, the application was approved.

**2. TC14-05-02 - Washington Village, LLC**  
**Block 1, Lots 66-70, 72-74 & 11.03-11.05**  
**Block 1.03, Lots 1-8; Block 1.04, Lots 1-11**  
**Block 1.05, Lots 1-11; Block 1.06, Lt. 1 & Various ROWs**  
**Zoning: TC South Redevelopment Area**  
**Request for Approval of a Preliminary and Final Site Plan**

The applicant is requesting preliminary and final site plan approval with Redevelopment Plan Conformance for the construction of two four-story garden apartment buildings consisting of 32 apartments in each building (16 one-bedroom units and 16 two-bedroom units) and associated site improvements, which include stormwater detention facilities, parking, roads, utility services and a landscaped common courtyard feature. The Planning Board took jurisdiction on this

application at the Planning Board Meeting of July 16, 2014. Deadline for taking action is October 19, 2014.

Chairman Cettina announced that this application will not be heard this evening, but carried to the Planning Board Meeting of August 20, 2014 without further notice to the public. Mr. Dasti said a motion is needed to carry the application. Ms. Post added that the applicant submitted a letter for the tolling of time for the Board to take action until October 19, 2014.

Chairman Cettina asked for a motion to carry the application. A motion was made by Mrs. Goodwine and seconded by Mrs. Van Nest to carry the application to the August 20, 2014 Board meeting. The Board voted unanimously in favor of carrying the application (Barker, Kolibas, Heilman, Van Nest, Goodwine, Shennard, Galluccio, Cettina).

### **ADJOURNMENT**

Since there was no further business to discuss, a motion was made by Mr. Shennard and seconded by Mrs. Goodwine to adjourn the meeting. All in favor. Meeting adjourned at 7:55 p.m.

Respectfully submitted,

---

Elide M. Post  
Planning Board Secretary

**Adopted: August 27, 2014**