

**EAST WINDSOR TOWNSHIP PLANNING BOARD
MINUTES OF November 21, 2016**

The meeting of the East Windsor Township Planning Board was held on Monday, November 21, 2016, in the East Windsor Township Municipal Building, 16 Lanning Boulevard, East Windsor, New Jersey, 08520. Planning Board Chairperson Edward Kelley called the meeting to order at 7:34 p.m.

STATEMENT OF ADEQUATE NOTICE

Pursuant to the Sunshine Law, a notice of this meeting's date, time, place, and agenda was mailed to the news media, posted on the Township bulletin board, and filed with the Municipal Clerk.

ROLL CALL

Members Present: Mr. Berman, Mr. Brady, Mr. Catana, Mr. Clark Mayor Mironov, Ms. Patel, Mr. Schmidlin, Mr. Shapiro, Mr. Kelley

Members Absent: Mr. Theokas

Professionals and Staff Present: Allison Quigley, Planning Board Secretary
Michael W. Herbert, Board Attorney
Richard Preiss, Township Planner
Doug White, Township Engineer
Daniel Dobromilsky, Township Landscape Architect

REPORTS/CORRESPONDENCE/ANNOUNCEMENTS

PUBLIC FORUM

Chairperson Kelley opened the meeting to the public. There being no public comment, the public forum was closed.

MINUTES

October 24, 2016

MOTION TO APPROVE OCTOBER 24, 2016 MINUTES MADE BY: Mr. Berman

MOTION SECONDED BY: Mr. Schmidlin

ROLL CALL

AYES: Mr. Berman, Mr. Brady, Mayor Mironov, Ms. Patel, Mr. Schmidlin, Mr. Shapiro, Mr. Kelley

NAYES: None

ABSTAINS: None

RESOLUTIONS

RESOLUTION 2016-19 Americana RD Inc.
Route 130 South
Block 57, Lot 11
Waiver of Site Plan Request

Mr. Schmidlin stated that on page five, paragraph three, on the third line, the square footage should be changed from 440 square feet to 460 square feet.

Mayor Mironov suggested that on page one, first paragraph on the third line, the verbiage should be changed from *renovate* to *perform various modifications* in order to accurately reflect the record. She stated that in the second paragraph on the first line the comma should be removed after 453 and the clause *identified by the Township of East Windsor Tax Map as Block 7, Lot 40.02* should be moved before *in the Highway Commercial (HC) Zone*. Mayor Mironov pointed to page six, item number four and asked if the site plan application would be for all the approved changes to the site. Mr. Preiss stated that he believed that would include all of the changes approved as a waiver of site plan request and any other modifications the applicant was considering. Mayor Mironov stated that the condition be rewritten for more clarity on the exact items the applicant was to return to the Board with.

Mayor Mironov stated that on page six, item number five should specifically indicate what the applicant should provide to the Board to certify that the site is ADA compliant. She stated that on page seven, item number seven should be switched with item number six. Mayor Mironov stated that item number nine on page seven should be rewritten for clarity. She stated that conditions 3, 4, 5 and 7 should be brought together.

Mr. Berman stated that on page one, the second *whereas* was misspelled.

Chairperson Kelley stated that the resolution would be held until the next meeting.

RESOLUTION 2016-21 Twin Rivers Plaza LLC
Route 33 East
Block 20.02, Lot 563
Waiver of Site Plan Request

Chairperson Kelley stated that everyone received in their folders tonight a revised version of the resolution and a tracked changes copy in the folders tonight detailing all the changes made from the original version of the resolution. Mayor Mironov stated that she believed it was an appropriate request by the applicant but stated that because this was just a signage application, conditions seven, eight and nine on pages seven and eight should either be removed or should be designated *if applicable*. She added that the second to last paragraph on page eight should be moved prior to the conditions.

MOTION TO APPROVE RESOLUTION 2016-21 WITH CHANGES MADE BY: Mr. Schmidlin

MOTION SECONDED BY: Mr. Berman

ROLL CALL

AYES: Mr. Berman, Mr. Brady, Ms. Patel, Mr. Schmidlin, Mr. Shapiro, Mr. Kelley

NAYES: None

ABSTAINS: Mayor Mirnov

APPLICATIONS

EWT File #PB16-005 Peter and Gizelle Sockler
24 Old Trenton Road
Block 2, Lots 3.01 and 3.02
Minor Subdivision

Chairperson Kelley asked Michael Herbert, Board Attorney, to swear in the Board's professionals: Richard Preiss, Township Planner; Doug White, Township Engineer; and Dan Dobromilsky, Township Landscape Architect. Mr. Herbert swore the professionals in.

Chairperson Kelley stated for the record the following reports have been received from East Windsor Professionals and Supervisors: Phillips Preiss Grygiel, dated November 11, 2016, Exhibit B-1; T & M Associates, dated November 11, 2016, Exhibit B-2; and East Windsor Township Environmental Commission, dated November 16, 2015, Exhibit B-3. The applicant is in receipt of all the reports.

Don Driggers, Esq. of Turp, Coates, Driggers and White is representing the applicant Peter Sockler this evening. Mr. Driggers stated that this is an application for a minor subdivision on Old Trenton Road, just south of the intersection of One Mile Road and Old Trenton Road. He stated that the subdivision would create two conforming lots from one, with one having an existing residence and the other serving as farmland.

Mr. Driggers introduced his first witness, Peter Sockler, the owner of the property and the applicant. Mr. Herbert swore in Mr. Sockler.

Mr. Driggers entered into evidence Exhibit A-1, titled "Aerial Photograph of Subject Site," dated November 21, 2016. Mr. Driggers stated that the minor subdivision would create two lots from one existing lot. The first lot would be 20,000 square feet and would have the existing residential home on it. Mr. Driggers asked Mr. Sockler if the smaller building shown on the plans in front of the existing home was still there. Mr. Sockler stated that it was relocated to the rear of the home. Mr. Driggers asked Mr. Sockler to identify the outline of the proposed second lot on Exhibit A-1, which he did. Mr. Driggers asked Mr. Sockler how the lot is currently being used. Mr. Sockler stated that besides the house the rest of the land is being cultivated as farmland. Mr. Driggers asked Mr. Sockler who farms the land and Mr. Sockler stated that he did along with some other local farmers. Mr. Driggers asked Mr. Sockler what the larger lot would be used for. Mr. Sockler stated that it would continue to be used as farmland. Mr. Driggers asked Mr. Sockler if he was considering putting the property into an agricultural preservation conservation effort. Mr. Sockler stated that he would like to, but the process had proved difficult so far.

Mr. Preiss asked Mr. Sockler if he intended to put a home on the larger lot. Mr. Sockler stated that he did not. Mr. Preiss asked Mr. Sockler if there was room on the property to place a home and Mr. Sockler stated that there was. Mr. Preiss asked Mr. Sockler if he had thought about the potential location of the home or where a driveway might go. Mr. Sockler stated that he had not thought about it. Mr. Preiss asked Mr. Sockler what is grown on the property. Mr. Sockler stated that they currently grow hay but they are working to reclaim the soil as it was depleted of any nutrients. He stated that they are hoping to grow pumpkins there next season.

Mr. White asked Mr. Sockler if there was a newer parking area shown on the larger lot by the driveway. Mr. Sockler stated that there is a stone parking area there but clarified that it was always used for parking, he just added the stones and landscaping later. Mr. White asked Mr. Sockler if that area was going to remain and Mr. Sockler stated that it would. Mr. White asked what the purpose of the stone area would be and Mr. Sockler stated that it would serve as a car parking area.

Mr. Sockler entered into evidence Exhibit A-2, titled "Minor Subdivision Plan," dated October 5, 2016.

Mr. White stated that it appeared that the existing stone car parking area would be on the larger lot after the subdivision. Mr. Sockler stated that he believed it was closer to the home.

Mr. Driggers introduced his second witness, project engineer Shri Kotdawala of Kashi Consulting Company. Mr. Kotdawala stated that he is a licensed engineer in New Jersey and has been practicing since 1999. He stated that he received his PhD in civil engineering from Kansas State University and has been working as a land use professional for 17 years. He stated that most of his work is related to the New Jersey Department of Environmental Protection (NJDEP) and Delaware Raritan Canal Commission (DRCC) restricted sites. Mr. Driggers asked Mr. Kotdawala if he had been accepted as professional witness before other planning boards in New Jersey. Mr. Kotdawala stated that he had been accepted as a professional witness in front of several boards throughout the state, including East Windsor Township in the past. Chairperson Kelley accepted his credentials.

Mr. Driggers asked Mr. Kotdawala if he prepared the minor subdivision plan submitted as Exhibit A-2 and Mr. Kotdawala stated that he had. Mr. Driggers asked Mr. Kotdawala if he was familiar with the requirements of NJDEP and DRCC and Mr. Kotdawala stated that he was. Mr. Driggers stated that the property is bordered by the Millstone River to the east and the property has several wetland areas on site. Mr. Kotdawala stated that he delineated the wetland areas on site in 2013 and they received a letter of interpretation from the NJDEP. Mr. Driggers added that the NJDEP letter of interpretation is valid until 2018.

Mr. Driggers asked Mr. Kotdawala to identify where the second parking area is. Mr. Kotdawala stated that the parking area would be on the larger lot, so it would be removed. Mr. Driggers asked Mr. Sockler if he was agreeable to that and Mr. Sockler stated that he was.

Mr. Kotdawala stated that one third of the property is within wetlands or the wetland buffers and the DRCC requires a 100 foot buffer from the Millstone River for any development. He stated that the larger lot would remain as farmland. Mr. Driggers asked Mr. Kotdawala how many houses

could be built on the larger lot in his opinion. Mr. Kotdawala stated one. Mr. Driggers asked Mr. Kotdawala if he was comfortable with the proposed subdivision and Mr. Kotdawala stated that he was. Mr. Driggers asked Mr. Kotdawala if the zoning standards for the site allow for a site that is 20,000 square feet in size. Mr. Kotdawala stated that was correct. Mr. Driggers stated that the smaller lot just exceeds the required 20,000 square feet.

Chairperson Kelley asked if the shed on site had already been relocated. Mr. White added that in Exhibit B-2 from T&M Associates, they had asked that the relocated shed be shown on the plans with the surveyed location to verify it was relocated. Mr. Kotdawala stated that the shed had been relocated and the location shown on the plans was accurate.

Mr. Preiss stated that in terms of zoning compliance, the site meets all the requirements for a subdivision. He stated that the only non-conforming condition would be the front yard setback but that was already a preexisting condition so no new variances were required.

Chairperson Kelley stated that he believed it was a requirement by Mercer County that any driveway along a county road should be the appropriate size to allow a vehicle to turn around so they do not have to back up onto the road to exit the property. Mr. Kotdawala stated that the driveway is large enough to allow for a K-turn. Mr. Herbert stated that this subdivision would have to be brought to the Mercer County Planning Board for review and that approval would occur there for those requirements. Chairperson Kelley stated that he would be inclined to include that as a condition within any resolution of approval.

Chairperson Kelley opened the meeting to the public. There being no public comment, the public forum was closed.

MOTION TO APPROVE APPLICATION MADE BY: Mr. Schmidlin

MOTION SECONDED BY: Mr. Clark

ROLL CALL

AYES: Mr. Berman, Mr. Brady, Mr. Catana, Mr. Clark, Mayor Mironov, Ms. Patel, Mr. Schmidlin, Mr. Shapiro, Mr. Kelley

NAYES: None

ABSTAINS: None

ADJOURNMENT OF MEETING

There being no further business, the meeting was adjourned.

CERTIFICATION OF SECRETARY

I, undersigned, do hereby certify;

That I am the Planning Board Secretary of the Township of East Windsor Planning Board and that the foregoing minutes of the Planning Board, held on November 21, 2016, constitute a true and correct copy of the minutes of the said meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my name of said Planning Board
this 19th day of December, 2016.

Allison Quigley, Board Administrative Secretary
East Windsor Township