

HILLSBOROUGH TOWNSHIP PLANNING BOARD
PUBLIC MEETING MINUTES
May 13, 2010

Chairman Burchette called the Planning Board meeting of May 13, 2010 to order at 7:30 p.m. All stood for the Pledge of Allegiance. The meeting took place in the courtroom of the Municipal Complex.

Chairman Burchette announced that the meeting has been duly advertised according to the Sunshine Law (Chapter 231, Open Public Meetings Act).

ROLL CALL

Mayor Frank DelCore – Absent	Sam Conard, <i>Vice Chairman</i> – Absent
Michael Merdinger – Absent	Steven Sireci, Jr. – Present
Robert Wagner, Jr. – Present	Marian Fenwick – Present
Steven Cohen, <i>Secretary</i> – Present	Douglas Tomson - Absent
Greg Burchette, <i>Chairman</i> – Present	Tod Mershon – Present
Arthur Stafford-Taylor – Absent	

Also present were Robert Ringelheim, P.P., A.I.C.P., Township Planner; Wendy Wiebalk, Esq., (Eric M. Bernstein, & Assoc.), Board Attorney; William H.R. White, III, P.E., P.P., C.M.E. (Maser Consulting, P.A.), Board Engineer; and Lucille Grozinski, C.C.R.

ACCEPTANCE OF MINUTES

- April 22, 2010

A motion to approve was made by Mr. Mershon, seconded by Ms. Fenwick.

Roll Call: Committeeman Wagner – yes; Mr. Cohen – yes; Dr. Sireci – yes; Ms. Fenwick – yes; Mr. Mershon – yes; Chairman Burchette – yes. Motion carries.

- May 06, 2010 – Regular Meeting Minutes

A motion to approve was made by Mr. Mershon, seconded by Ms. Fenwick.

Roll Call: Mr. Cohen – yes; Ms. Fenwick – yes; Mr. Mershon – yes; Committeeman Wagner – yes; Chairman Burchette – yes. Motion carries.

ACCEPTANCE OF RESOLUTIONS

None

PLANNING BOARD BUSINESS

Robert Ringelheim, Township Planner, informed the Board the applicant for the Hillsborough Farms applications, both the preliminary and the final, did not provide an extension of time as requested. These applications have been carried for over a year now. In speaking with the attorney, it appears there is no interest in proceeding at this time. The recommendation is to deny without prejudice in order to avoid automatic approvals at the end of the month.

A motion to deny the preliminary application (#08-PB-04-MJ) without prejudice, was made by Dr. Sireci, seconded by Ms. Fenwick.

Roll Call: Ms. Fenwick – yes; Dr. Sireci – yes; Mr. Mershon – yes; Mr. Cohen – yes; Committeeman Wagner – yes; Chairman Burchette – yes. Motion carries.

A motion to deny the final application (#08-PB-05-MJF) without prejudice, was made by Dr. Sireci, seconded by Ms. Fenwick.

Roll Call: Ms. Fenwick – yes; Dr. Sireci – yes; Mr. Mershon – yes; Mr. Cohen – yes; Committeeman Wagner – yes; Chairman Burchette – yes. Motion carries.

SPECIAL COMMITTEE REPORTS

None

BUSINESS FROM THE FLOOR

None

CONSIDERATION OF ORDINANCES

Mr. Ringelheim reviewed the following ordinances which are both part of the Mayor's economic initiative.

- **Ordinance 2010-15** – Restaurant Drive-Through Buffer Requirements in the LI and HS Districts

This ordinance was introduced by the Township Committee at the meeting of April 27, 2010 and is scheduled for a public hearing on June 07, 2010.

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One of the specific conditions required is that drive-through facilities must be located at least 100 ft. from any residence or residential zone. However, there are no buffering requirements. It can now be grass or low shrubbery. We are looking to require a 60 ft. setback with a formal buffering requirement which establishes a conservation easement to assure there is no further disturbance in the buffer area.

A motion to recommend Ordinance 2010-15 to the Township Committee was made by Dr. Sireci, seconded by Ms. Fenwick.
Roll Call: Ms. Fenwick – yes; Dr. Sireci – yes; Mr. Mershon – yes; Mr. Cohen – yes; Committeeman Wagner – yes; Chairman Burchette – yes. Motion carries.

- **Ordinance 2010-14** – Personal Service Establishments

This ordinance was also introduced at the Township Committee meeting of April 27, 2010 and is scheduled for a public hearing on June 07, 2010.

Right now, personal service establishments are tied to retail uses in all of our commercial zones. We recently created two zones, the HS and Gateway B zones, which permit some commercial uses but do not permit retail uses. However, it would be appropriate to allow personal service establishments in those zones.

The recommendation is to create a separate definition of “personal service establishments” and to allow these particular uses separate from retail uses in the Gateway B and Highway Service Districts.

All we are doing is adding the personal service establishments to the two zones. All of the other zones presently have retail and personal service establishments as one permitted use. The two zones mentioned did not have either use permitted.

Dr. Sireci asked for further review of Section 2 through Section 6.

Mr. Ringelheim clarified that the C1 Zone would need to be amended to “retail sales of goods and personal service establishments” so that it fits the definition throughout the entire Chapter 188.

A motion to recommend Ordinance 2010-14 to the Township Committee was made by Mr. Cohen, seconded by Dr. Sireci.
Roll Call: Ms. Fenwick – yes; Dr. Sireci – yes; Mr. Mershon – yes; Mr. Cohen – yes; Committeeman Wagner – yes; Chairman Burchette – yes. Motion carries.

ACCEPTANCE OF MINUTES

The Board reviewed the closed session minutes handed out at this meeting.

- May 06, 2010 – Closed Session Minutes

A motion to approve was made by Mr. Mershon, seconded by Ms. Fenwick.

Roll Call: Ms. Fenwick – yes; Committeeman Wagner – yes; Mr. Cohen – yes; Mr. Mershon - yes; Chairman Burchette – yes. Motion carries.

Mr. Ringelheim stated the closed session minutes will be released to the public at the time our attorney advises it is appropriate.

PUBLIC HEARING – SUBDIVISIONS/SITE PLANS

- **Li/Zhang – Dickerson Road** – File #10-PB-02-INF – Block 58, Lot 67 – Dickerson Road. *Conceptual Review*

The Applicant, Jun Li stated my husband Meng Zhang and I would like to build and operate an indoor tennis facility with year round instructions and court availability and would also like to expand into other fitness programs which caters to families.

Ms. Li said we have been teaching tennis for eight years. It is very satisfying to see a child develop a love for tennis. She spoke of the positive aspects of tennis, physically and mentally, for both children and adults.

Currently residents have to travel out of town to play tennis. Although we are immigrants, we have lived in Hillsborough for over seventeen years now and consider Hillsborough as our hometown and would like to make it even better.

We like the Township’s vision for economic growth and consider Hillsborough a great place for our business.

- Robert Heibell, P.E. & P.P., of Van Cleef Engineering gave the following review of the application on behalf of the applicant:

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- In 1988, I appeared before the Planning Board for this property which was known as the Fraser property. Courtland was not built at that time. I appeared before the Board and received approval for an industrial building. Mr. Fraser did not build that particular project. I appeared before the Board in 1994 with another warehouse building, absent Courtland, and received another approval for a different type of warehouse/office building which again was never built. Both approvals expired. I appeared again before the Board around 2004-2005 but at this time, the residents of Courtland Drive filled the courtroom and opposed the property, but the property is in the I2 Zone in which warehouse use is still an allowed use. The Board approved a warehouse/office building which is still a valid approval. Since Mr. Fraser is not looking to move his office from Manville to Hillsborough at this point in time, he has put the property on the open market.
- The Township has since added a tennis facility to the allowable uses in the I2 Zone. The proposal tonight is to do away with Mr. Fraser's valid approval for a warehouse/office facility and instead provide a tennis facility in the same location as the Fraser application, with the access driveway still to Dickerson Road. Also included is the proposal to build a smaller parking area with access between Dickerson Road and the proposed tennis facility.
- We started with wetlands on the property that were under the jurisdiction of the Army Corp. in the 1980's. We then obtained an LOI. There are freshwater wetlands on the property. When we went back in the mid-2000's, the property was approved with an LOI without any buffers. This property for Mr. Fraser is exempt, except for one of the conditions of the LOI which states if you change the use or go back and get a new site plan approval, the buffers will reappear. So now we have to abide by the wetland buffers. In doing so, the proposal is to put a building with a footprint of slightly over 20,000 sq. ft. (24,000 sq. ft. when you include the northerly portion which will have two stories) which requires 27 parking spaces; the proposal is for 30 spaces. In contrast to Mr. Fraser's approval, we will no longer need loading docks in the back and a circulation route for trucks.
- We have moved the building back to the allowable setback limit on the southerly side. Although the building is closer to residential units on Courtland Drive, the driveway is further away. The driveway was approved at a distance of 40 ft. from the property line. The building will actually be 50 ft. away. Because of the unique shape of this lot, the lot depth is not measured off of Dukes Parkway. The frontage is on Dickerson Road. The required depth of the lot is 300 ft. The lot is substantially less at 158 ft.
- One of the variances granted with the Fraser approval was the rear yard setback which is from the building to the westerly property line. The building shown on that plan is the former Bothers' woodshop building, not an industrial building, which is west to the proposed tennis facility. We are proposing to build the tennis facility 20 ft. from the Bothers' property line which would be the second bulk variance for this application.
- The difference between the approved plan and the proposed plan is that the proposed tennis facility would cover about 10% less impervious surface at 23% ; the driveway would no longer be going behind the residential units; and the type of use would be changed from an industrial use to a tennis facility. The access point would remain off of Dickerson Road. All other aspects would have to be fully engineered prior to coming back before the Board. The site has availability to public sewer and public water. We would have to design a stormwater retention basin on the northerly portion of the building.

Mr. Ringelheim said the only issue I have is the border on the southerly boundary adjacent to the residences at Courtland. A buffer was established with fencing, berming and landscaping with the Fraser application. I would like to see something similar to or better than that with this application.

- Mr. Heibell said I superimposed the approved landscaping plan onto this concept plan on the southerly boundary. I believe we are actually going to enhance that. We are seeking the same type of bulk variance that Fraser was granted; the distance between the property line and the western property line. The building Fraser had was 60 ft. from the property line; our proposed is 20 ft. from the property line. 100 ft. is the requirement based on a lot depth of 300 ft. which we certainly do not have.

Chairman Burchette asked if the buffer between the building and the neighbors could be enhanced. Other members agreed.

Mr. Ringelheim stated what you spoke about was the buffer between the former woodshop and the proposed tennis facility which is in the same industrial zone.

Dr. Sireci agreed the buffer where the variances are would only affect another light industrial use; it does not affect the neighbors.

Ms. Li stated there will be locker rooms, office , a small fitness center and a small classroom in the northerly part of the facility.

Mr. Cohen asked if the tennis facility would be used for something more than just tennis.

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Ms. Li said they would like to keep their options open.

Chairman Burchette asked what the hours of operation will be.

Ms. Li said most tennis clubs close at 10:00 p.m. in the winter, 7:00 p.m. in the summer.

Chairman Burchette asked how many cars are expected to be in the parking lot in the evening.

Ms. Li said there would be a maximum of twelve cars (maximum 4 tennis players times 3 courts).

Dr. Sireci commented that is a lot less than 50 vehicles and power equipment.

Mr. Mershon asked what means of sound prevention will be taken on the outside of the building.

Ms. Li responded you are all invited to come once we build it.

Ms. Fenwick said this concept is a very good proposal, especially in contrast to the previous application for this property. I believe the neighborhood could make use of this facility as well so I would look very favorably on this proposal.

Dr. Sireci said you cannot get much better than this.

Mr. Mershon asked about the lighting.

- Mr. Heibell said that would be discussed at the time of the site plan application but they will make sure the lights will be shielded.

Open to Public

No questions/comments

Chairman Burchette thanked the applicant for the review of the informal application.

- ***Distinctive Properties, LLC*** – File #09-PB-06-SRV – Block 163.22, Lot 40 (*formerly known as Block 163, Lot 21C*) – Amwell Road.

Richard Kaplan, Esq. of Rubin, Kaplan & Associates representing the applicant, gave the following review:

This application is for preliminary and final major site plan approval. The property located at Lot 21C, Block 163 on Amwell Road which is in the GA Gateway A Zone. This application is for two retail buildings consisting of approximately 14,000 sq. ft. in total; first floor retail area, second floor for storage only. Only one variance for minimum floor area ratio (FAR) is being requested; .25 required, .03 proposed. Several waivers will be described later.

Mr. Ringelheim pointed out this is a continuation of the application, not the initial hearing.

- Robert B. Heibell, PE, LS, PP, of Van Cleef Engineering was sworn in and gave the following testimony:
- Mr. Heibell reviewed this is not the first hearing for this application, at the last meeting, the County decided just before the hearing date that they would not approve the access point of our driveway next to the Post Office. At that point, I asked the Planning Board if we could proceed based on a concept review, even though we had advertised for a preliminary and final site plan review. I then presented a very similar plan to tonight's plan to the Board and reviewed why we had to go back and re-engineer the whole plan. The original site plan as designed had a right-in, right-out access directly west of the rear Post Office driveway. That plan was reviewed by Mr. White and various outside agencies. We thought we were almost at home plate when the County report came in.
- I had gone to the Post Office to try and get them to allow access from the property, directly into their driveway and then out onto Amwell Road. The U.S. Government denied that application. The County then had me go back to the Post Office/U.S. Government to once again ask if they would take away their driveway and they could then come onto our property and driveway. They definitely denied that idea, saying in no way, shape, or form would they be allowing the options presented or any other configuration. Based on that, we went ahead and did the entire design.
- The County then felt that the appropriate location was opposite the existing driveway on the south side of Amwell Road which should be a full access driveway, without any restrictions allowing all four turning maneuvers. The County traffic consultant, Maser Engineering's traffic consultant, and our traffic consultant meet prior to our coming back before this Board on the concept, to make sure all three traffic consultants were in agreement. Since they were, we went ahead and completely redesigned the site. Our traffic consultant, Jay Troutman, who sat in on those

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meetings, prepared our traffic study and did some research with the Police Department to determine how many accidents have occurred at that location currently.

- Our plan now shows the same two buildings, 14,000 sq. ft.; one 4,900 sq. ft. building parallel to Amwell Road, the other 9,100 sq. ft. building almost perpendicular to Amwell Road. We have essentially flip-flopped the two buildings from the original design. We still have 49 internal parking spaces with the same land use and coverage. The big difference between the original design and this design is that we have an unrestricted access about 150 ft. west of where we were proposing, now with full access. We have a proposed on-site water detention basin on the northerly end of the parking lot. The majority of this property is in some environmental constraints area. It has a flood plane on it; is on the D&R Canal Commission; Township stream corridor; freshwater wetlands; and wetland buffers. The remaining land is where we are proposing to construct these two buildings. Although the property is at 10.38 acres, the usable property is only about 2 acres.
- Another aspect of the application is at the southerly end of the 10.38 acres, the 2.18 acres strip of land just north of the Claremont pond. Under the original application going back to the late 70's, early 80's, the prior owner, Mr. Jesianka was to dedicate this area to the Township. The description was prepared and submitted to the Township who approved it but it somehow fell through the cracks. As a result, the Township does not own those two acres. Part of this application would be to give the Township the deed for that land which they wanted some 25 years ago.
- The remainder of that land between that Township open space and this project as per the comments of Mr. White and Mr. Ringelheim is to place that land in an environmental easement, which would be agreed to.
- The property has access to public sanitary sewer; sanitary sewer actually runs through the property. We have submitted the plans to HTMUA. We would connect to one of the manholes and in doing so, would need to go to NJDEP should this Board approve this application because the property is within the flood plain area. The outlet to the stormwater detention basin also goes within that area so there are several aspects the NJDEP will look at.
- We have received a series of reports within the past few days, one of which is from Mr. White who addresses some engineering items. With the exception to the one or two that I will speak to, we would adhere to all of the recommendations contained within Mr. White's report. The very last comments in his report have to do with the access and traffic. Mr. Troutman will speak to this further but I will tell you that the original geometric configuration shown on the site plan shows it at a wrong scale. The firetruck would not need to go into the oncoming east bound lane in order to make a right-hand turn into the driveway. It was a computer failure. I signed the plan and take full fault. We have supplied Mr. White's office with the correct geometric scale of the trucks and fire engine. I will tell you that the fire engine can turn into the site without crossing the lanes and completely navigate the parking lot without hitting any of the parked cars and exit back out.
- In the Fire Marshal's report, Mr. Weniger suggests that we provide a fire access route along the westerly portion of the building. Because of the environmental constraints on the property, that area would be within all of those environmental areas so we do not have the ability to build a driveway around the back of the building.

Chairman Burchette asked if the Fire Marshal is looking for a driveway or just looking for an area that can get a firetruck in if need be.

- Mr. Heibell said the statement is "Fire access should be provided around the back of the building along the west side."

Chairman Burchette said it sounds as though the area should be graded with a solid enough turf to be able to get a firetruck or emergency vehicles back there.

- Mr. Heibell said we can discuss that with Mr. Weniger and try to put those grass pavers back there. Without the pavers, the truck would sink because of the wetness. Subject to meeting NJDEP approval, we can do that. Without their approval, our hands would be tied.

Mr. White suggested that this item be addressed as a condition of approval, pending a positive outcome from NJDEP.

Chairman Burchette asked if the applicant would be agreeable.

- Mr. Heibell said they would. Should this go into the Hillsborough Township Stream Corridor, will the Board grant whatever waivers necessary?

Chairman Burchette said any necessary waivers would be granted.

- Mr. Heibell said late this afternoon, we received several reports from the County. Technical details of the driveway access onto the County road, other small details and some details on the stormwater detention basin which the

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applicant would have to maintain. The applicant would be willing to comply with all of these comments and adhere to all of the comments made on the stormwater from the County and from Mr. White.

- At 4:15 p.m., we received another report. If you recall, several of the Board members, Mr. Wagner in particular, asked Mr. Ringelheim to invite the County traffic engineer to this hearing. Mr. Ringelheim has issued two, if not three letters to the County Engineer, Mr. Amoroso, inviting the County officials to the meeting. The letter received this afternoon stated they were not available to attend but provided a two page letter which Mr. Amoroso received from the County traffic engineer as to why he wanted to move the driveway in the first place. The County's position is now part of the public record and will be reviewed by Mr. Troutman. I know the Board would have preferred that they be here in person to perhaps answer questions. I invited the County as well myself but as it looks, I guess I do not have the clout either.
- One comment from Mr. White is to provide a second dumpster or increase the size of the dumpster. I have looked at it and believe we can increase the size of the dumpster rather than add a second dumpster. Also, if there are any parking spaces that happen to be more than 50 ft. away from a shade tree, an additional tree or two will be provided as per Ordinance. I have not found such a space yet but there may be one or two. All other comments I agree to in totality.
- I believe other than these issues, this is a clean application and available for approval. The only variance required is due to the fact that we are way under the limits for floor area ratio due to the environmental constraints of the site. The parking spaces are all 10 ft. wide however where available and not backing up to another parking space, the length is provided at 18 ft. with an extra 2 ft. when next to a sidewalk. Because of the singular access and the firetruck going around, the aisles will be 30 ft. wide even though the spaces are 10 ft. wide. We do not believe we need a true "loading zone" for a large truck which requires another waiver. There are some small minor technical waivers sited on the application.

Mr. Ringelheim said there are a few more technical items that need to be pointed out. The Gateway A requires that because it is in the overlay zone, architectural and site design standards be adhered to. A 30 ft. wide buffer is not provided as required along the Post Office side which requires a waiver. The parking lot should have no more than 20 spaces for double sided parking and 10 spaces for single sided parking. There will be 11 spaces that face the Post Office and 16 spaces that face the larger building which requires a waiver. The walkways are required to incorporate a minimum of two design features including landscaping which is provided although pavers, pedestrian scale lighting and rain protection such as an awning or canopy are not provided which requires another waiver.

- Mr. Heibell said the architect is here and will testify that there are covered canopies in front of the building which I thought would comply with that.

Mr. Ringelheim said if there is then that clearly was not on the plan. Additionally, truck circulation is to be separate from customer circulation and loading areas must be screened. Since the truck circulation is the same, again that requires another technical waiver. The primary public entrance of a building with front façade is to face the street with a compatible design along the rear façade. Because of the way this is designed, the front of the buildings will actually face the parking lots rather than the street which requires a waiver.

Suggestions about putting another design feature might include a low wall and paver area on the street side of the building which could be used by restaurants for outdoor seating or public seating with the addition of some trees.

- Mr. Heibell said I would be glad to work with Mr. Ringelheim on those elements. He also noted these buildings started out as one-story buildings but because two-stories are required in this zone, the second floor is almost a "dummy" type of second floor in that it is to be used for storage of that unit only, not for additional space. The buildings will look as though they are two-story buildings.

Mr. Ringelheim asked if the second story could be used for offices or other business uses in the future if there was a demand.

- Mr. Heibell said that space is only for the downstairs tenant; it is not for a secondary use. For example, if I wanted to put my office there, I could not do that; there is not enough parking to do so. That can be a restriction in the application approval.

Mr. Ringelheim said should a restaurant or bank downstairs want to use the upstairs for an office, they can do that.

- Mr. Heibell agreed.

Questions from the public
None

- Jay Troutman, Jr., PE of McDonough & Rea Associates, Inc. was sworn, qualified, and gave the following testimony:

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- As indicated by Mr. Heibell, we are the traffic engineers who prepared the traffic impact study on behalf of the applicant and filed a report dated March 22, 2010. This report has been reviewed by Mr. White and by Somerset County.
- In this study, we went through the typical engineering study tasks establishing the existing traffic and roadway conditions; the magnitude of the site generated traffic that the proposal will generate, the distribution and assignment of that traffic in terms of turning movements in and out of the driveway and the calculation of highway calculation analysis of the driveway capacity. In this case, you have an unsignalized driveway so the most difficult movement is the left turn out.
- We had a good case study with our “twin” across the street at the 450 Amwell Mall property. We counted this driveway to see what kind of volume was going in and out during peak hours and also to see how that traffic was oriented. What we found was that the majority goes to and from the west. This driveway also has about twice as much volume as the one we are proposing. We used that distribution and made an assumption that about 70% of the traffic would be to and from the west, predominantly left turns coming in and right turns coming out. In doing the capacity analysis, we found that our driveway will grade at level of service “C” on a grade of A through F. The Amwell Mall has levels of service of “C” and “D” right now and will drop to level of service “E” once you put a driveway opposite it which will present additional conflicts and add to wait times.
- The capacity analysis does not take into account the effect of the traffic signal at the Post Office and the way that traffic signal tends to platoon. The flow is along Amwell Road and provides artificial breaks in traffic somewhat by the traffic signal to the west, which is why I believe the 450 Amwell Mall traffic is able to function. As Mr. Heibell testified, Somerset County has to grant the access to Amwell Mall and stated this is the driveway design they would like us to pursue.
- After our meetings, we had to do all of the analysis and the plan based on the direction of Somerset County. I would like to discuss some of the things leading up to the design before you. The County first wanted to see us not have a driveway at all and instead have us tie into the driveway at the Post Office which the Post Office would not allow. They then had us check the site distance between the frontage to make sure we had adequate site lines for a driveway. There was a previous plan that allowed for a right-in, right-out driveway which the County thought was too close to the Post Office’s driveway. The County felt that if you do not allow traffic to make the left turn in or out, you are just going to divert traffic to another location to turn around in order to get back to the direction they wish to go. Sometimes restricting the movement creates more hazards than it solves. Once it was determined we had to provide for the left turns, the best way to do this is to align the driveways directly across from each other so that left turns into the proposed driveway and existing driveway can be made “head to head” without interlocking with each other. If you have full movement driveways that do not align properly, you either need to have them spaced far apart or have them aligned. They cannot be slightly offset because you then create conflicts.
- We did have a chance to look at the review letter prepared by Maser Consulting. We can comply with each and every one of their comments. As Mr. Heibell mentioned, we did a study of accidents that occur at the existing 450 Amwell Mall location. We found there have been some accidents but not an unusual accident history there. There were a total of 7 accidents over a period of 3+ years; not an unusually high count.

Dr. Sireci said the one move that is not shown in the traffic report is the movement straight across from one driveway to the other, crossing 4 lanes of traffic without a traffic light. This “suicide move” is one that is neither reviewed in your report or the County report. He asked Mr. Troutman to comment.

- Mr. Troutman said that was considered in the design. With an aligned design, you have set it up similar to left turn out of either one of the driveways. A vehicle would have to wait for a complete gap in Amwell Road traffic before they can go across if looking to use both facilities. If you do not align the driveways, you end up having someone go out of one driveway, sit in the middle of Amwell Road before they can get to the other driveway, creating a double stage conflict. Both the Residential Site Improvement Standards and NJDOT always prefer to have the driveways either align directly or have them a certain minimum distance apart. That crossing move is negligible in terms of the numbers because the majority of trips are for one destination or the other but it can still be accommodated by this design and there would be gaps in traffic to allow that occasional movement.

Dr. Sireci said I do not see it that way because when making a left-hand turn, you do not need the other side to be clear; you only need the left lane to be clear. I realize the light at the Post Office serves as an excellent breaking mechanism to allow for creating gaps. I realize there may not be many people that will try to make that dash across all 4 lanes but I do think that in aligning the driveways it solves certain things but creates others. I do not think the risk is negligible. I believe this is what concerns the Board with the two driveways directly across from each other.

- Mr. Troutman said from a theoretical standpoint, the left turn actually needs more of a gap in Amwell Road to be executed than the through movement because they assume you are going to have enough time to pull out and gradually get up to speed with the through traffic stream vs. just going straight across. You can take a little bit of a

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shorter gap to get across and then your conflict is over. I do not disagree with what was stated, this is just theoretically speaking.

Dr. Sireci further reviewed turning movements. He said each lane you cross has a probability of a bad ending and now you are adding more to that.

Ms. Fenwick said I believe there is a cross-access between 450 Amwell Mall and the park-and-ride. I think what some people are doing is that they go into 450 and then go through to the park-and-ride parking lot to get to the light at the Post Office to make the left onto Amwell Road. You are hopeful that those that wish to use both facilities would use the traffic light at the Post Office.

Dr. Sireci said this may have been the case too if the driveway were in another location as well. I do not know if your traffic report or the County's traffic report took that into consideration. When reading the documentation, it is as if that cross-access did not exist and not taken into account. This is something we would have liked to question the County on. Was this taking into account in the traffic report?

- Mr. Troutman said we did and we had the aerial photo. The County actually did mention it in their memo in terms of the fact that if left turns out of the Amwell Mall become more difficult because we have introduced the driveway directly across from it, those patrons have another option for making their left turn which is at the traffic signal.

Mr. Mershon pointed out the park-and-ride is designed as a one-way.

Mr. Cohen raised the question if having outside tables and chairs in an area which can be potentially dangerous is a good idea.

Mr. White asked if the sight distances were re-analyzed as recommended. If so, were they in compliance?

- Mr. Troutman said I did re-analyze them and both are in compliance. We can provide a revised drawing to show that.

Mr. White asked if analysis was done to determine what the size of the largest truck is that can enter the site.

- Mr. Troutman said the largest would be a WB-50 and it would have a similar pattern to the firetruck.

Mr. White pointed out there is no loading zone.

- Mr. Troutman agreed but said that truck could circulate if it came in.

Mr. Ringelheim said since there are residences behind the property, I would like to see the lighting shielded and turned off at some point, maybe an hour after the stores close in the evening so that there is no glare and no overnight lighting into the resident's windows. I would also like to see a bicycle rack at some point in the center next to the building. This property is part of our Gateway so hopefully more and more people will be walking and riding their bikes into this area in the future when Towne Center is developed.

Questions from the Public
None

Five minute break taken.

Mr. Kaplan, Esq. noted there will be signs in compliance with the ordinance which are shown on the architect's drawing which can be displayed if the Board wishes.

- Exhibits:** A-1: Site Plan (entire site)
A-2: Site Plan Fragment
A-3: Colored Rendering
A-4: Black and White Architectural Drawing

- Mark Marion, project architect from Architecture Plus was sworn in and gave the following testimony:
- Mr. Marion said we designed these two buildings totaling 14,000 sq. ft. to be very similar in design. There is a canopy that faces the parking lot. The back of the smaller building is designed as a front elevation. There is proposed signage and site signs for the stores. We are proposing a sign that would go out at the street which would follow the Ordinances; 30 sq. ft, 8 ft. tall. We will look to work with the engineer in order to place it outside of the site triangles. Both are one-story buildings made to look like two, each with dormers. These dormered areas could be inhabited. Both are of colonial design with traditional materials; brick, asphalt shingled roof, siding, trim around the canopy, faux fireplace, and double - hung windows facing the road with more storefront glass facing the parking area.

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Mr. Ringelheim asked if a food establishment were to go in, would there be a way to create an outdoor seating area with door access on the facade facing the road.

- Mr. Marion said we do show four doors for potentially four units in the smaller building and potentially six units in the larger building. They all have back doors which are designed to look like front doors.

Chairman Burchette asked where the dumpster will be placed.

- Mr. Marion said we had not discussed this yet but I assume it would be toward the right-hand side of the front and hide them in the back of the second building.

Chairman Burchette said a lot of businesses put garbage cans, boxes, trash and miscellaneous junk behind their stores. Would the applicant be willing to put in the lease that nothing is to be put out in back of the stores?

- Mr. Marion agreed.

Questions from the Public

None

A motion to approve application #09-PB-06-SRV (Revised) for revised preliminary and final major site plan with bulk variance and waiver; with the waivers and agreements as made today which will include paver stones around the back of the larger building with minimal grading for fire access, with the permission of NJDEP, no trash around the back of the building, larger dumpster, bicycle rack, work with the Planner on other features of compliance for Gateway A, one extra tree if necessary, variance from minimum FAR, and minor parking waivers was made by Dr. Sireci, seconded by Ms. Fenwick.

Ms. Fenwick said I like the configuration of the buildings better than the initial plan. I also like the architecture. The driveway is the best possible option under the circumstances.

Roll Call: Ms. Fenwick – yes; Dr. Sireci – yes; Mr. Mershon – yes; Mr. Cohen – yes; Committeeman Wagner – yes; Chairman Burchette – yes. Motion carries.

Mr. Ringelheim advised the Board there is no business scheduled to the agenda of May 27th.

A motion to cancel the meeting of May 27, 2010 was made by Dr. Sireci, seconded by Mr. Mershon. All in favor – Aye.

ADJOURNMENT

The meeting adjourned at 9:04 p.m.

Submitted by:
Debora Padgett
Planning Board Clerk