

## OPEN SESSION

Chairman Steven Misiura called the meeting to order at 7:30 p.m. and read the Open Public Meetings Act statement which stated that adequate notice and posting of the meeting had taken place in accordance with the requirements of P.L. 1975, Chapter 231.

The flag salute was followed by the roll call.

### ROLL CALL

	PRESENT	ABSENT
<i>Mayor Patten</i>	✓	
<i>Mr. Searing</i>	✓	
<i>Mr. Sikorski</i>	✓	
<i>Ms. Laudenberger</i>	✓	
<i>Mr. Montferrat</i>	✓	
<i>Mr. Pratt</i>	✓	
<i>Mr. Misiura</i>	✓	
<i>Mr. Emigholz</i>	✓	
<i>Ms. Hutchinson</i>	✓ 7:40PM	
<i>Mr. Olsen</i>	✓	
<i>Mr. Byrne</i>	✓	

Also in attendance: Leona Baylor, Planning Board Secretary; Carmela Roberts, Borough Engineer; Tamara Lee, Borough Planner and Gary Rosensweig, Esq., Planning Board Attorney.

### APPROVAL OF AGENDA

The agenda as presented was moved by Mr. Montferrat, seconded by Mr. Sikorski and approved by all.

### PUBLIC COMMENT

No one came forward.

### APPLICATION #2007-07 CUMBERLAND FARMS

Mr. Rosensweig recused himself for this application and Michael Herbert, Esq. represented the Board for this application.

Application 2007-07 was a continuous from the previous meeting; there were requests from the Board and the Environmental Commission regarding the noise levels. Larry Rothstein counsel for the applicant stated that in response to the Environmental Commission's letter and the Board's requests he has the Project Engineer and a Certified Industrial Hygienist to address the noise concerns.

Matthew Picard- Kleinfelder Environmental – Certified Industrial Hygienist – Sworn in

Mr. Byrne questioned his certification asking if it was general health and safety. Mr. Picard clarified that it was a general certification just noise.

Mr. Picard presented Exhibit A-3 Arial photo taken February 8, 2008 by Goggle Earth 2006. The photo showed locations on the map where sample noise surveys of existing conditions were taken at 3pm and 8pm. The 3pm readings were 63 decibels and the 8pm readings were 57 decibels. Mr. Picard predicts that the blower will be about 85 decibels but the shed will decrease it to about 50 decibels so based on his calculation there will be no noise increases.

Mr. Pratt asked how he came to his conclusions was it mathematical equations and were buildings and structures taking into consideration. Mr. Picard stated that yes he uses a mathematical equation and it does take into account all the surrounding structures. Mr. Pratt then asked if he could provide a sound reference for the decibel level that has been discussed. Mr. Picard stated that a common lawnmower is about 80 decibels, circular saw 85, residential air compressor 75 and the further or closer it is to you is what determine how loud it will be. It was asked if sound proofing of the shed would help. And would it be convenient? Mr. Picard stated that it would help but he would not know it would be convenient that the Project Engineer would be the better person to ask.

Mr. Kuhns – Kleinfelder – Project Engineer - previously sworn at the January 14, 2008 meeting

Mr. Kuhns stated that it is undesirable to insulate the shed, because in essence you would be putting a shed inside a shed and you need to maintain air circulation and regulate an operating temperature. There will be some insulation in the shed. But it is never done because of overheating concerns.

There were some questions from the Board regarding the placement of the piping and the location of the shed. Mr. Kuhns assured the Board that all piping will be below grade and the location of the shed was a negotiated term of the property owners. Mr. Searing asked if they would be willing to turn off the system at night. Mr. Kuhns stated that the permit from DEP is for 24hrs and that running it for less than 24hrs will only increase the remediation time.

It was asked how often DEP monitors the site and what the average length of time for radiation. Mr. Kuhns explained that a report must be given to DEP twice a year until remediation is completed and that there is no average on the time period some take 10 years some 6 months but in his experience this site should take about 2 to 3 years.

Mr. Searing asked if there was a problem after the start up would they be willing to put it on a timer. Mr. Kuhns explained that they would be willing to petition DEP if need be. The DEP gave them a permit to operate at 24hrs and they would need their permission to alter that. Mr. Montferrat asked if the size of the trailer is limited. Mr. Kuhns answered that technically yes the size is limited and that to increase the size would have no direct impact.

Mr. Misura asked if this was a common method of remediation in residential neighborhoods. Mr. Kuhns assured the Board that is common as most service stations are on corner lots near residents. It was questioned if the blower will be continuous or will it cycle on and off and it was assured that it is a continuous blower.

Ms. Roberts asked that the applicant provide a more recent landowner letter of consent. She also noted that while Mr. Picard is not certified specifically for noise he is knowledge enough to accept his noise report and that is would be good to be able to in the future if needed to be able to ask for a timer to be put in place. Mr. Montferrat also agreed that they the Board should also be given the report that given to the DEP twice a year and that it should include the decibel levels.

Mayor Patten moved that Application 2007-07 be approved with the following inclusions:

- The Board be given the same reports as the DEP twice a year and those reports include decibel levels
- The applicant be willing to apply to DEP in the future for a timer if the need arises

The application was seconded by Mr. Sikorski.

Roll Call: Mr. Misura, Ms. Laudenberger, Mr. Montferrat, Mr. Pratt, Ms. Hutchinson, Mr. Olsen, Mr. Byrne, Mr. Searing, Mr. Sikorski and Mayor Patten voted yes. Mr. Emigholtz abstained.

Resolution adopted 10-0

## **APPLICATION #2007-06 PEDDIE SCHOOL – ATHLETIC FIELDS EXPANSION**

Mr. Emigholtz, Ms. Laudenberger, Mr. Misura, Ms. Hutchinson recused themselves for this application. Mr. Montferrat took chair for this portion of the meeting.

Attorney for the applicant, Leonard Coates of Turp Coates Essl Driggers was present.

Mr. Coates overviewed the application and requested waivers he addressed Ms. Roberts requests regarding property leading up to and adjacent to East Windsor stating that it would be premature to comment on that area as that have not receive approval from the County or from East Windsor and that and requests made by this Board may preempt approvals by those Boards. He then moved on to next item in Ms. Roberts letter addressing the foot bridge. A letter was written November of 2005 pledging Peddie to build a foot bridge but it was not noted on the plans. Mr. Coates assured the Board that Peddie is still committed to building the bridge once the green ways path in East Windsor has been worked out. They also have provided an onsite fire suppression system with separate water supply as part of the plan.

Mr. Rosensweig and Mr. Coated discussed the timing of action for the application and came to agreeance that since this application has variance it is 120 days from being deemed complete that action must take place. Mr. Rosensweig also informed the Board that even though Community and Environmental Reports were given they were not complete and deemed true traffic and community impact studies and that the Board has the right to request more information. He stated that the Board can accept what was presented and move forward but to remember that they can always ask for more information if they want to.

Brad Walters – sworn at the January 14, 2008 meeting

Exhibit A-5 Proposed Floor Plans

Showed how existing pool becoming mezzanine with new fitness area addition of sprinkler systems new heating and lighting and new pool area with stadium seating area.

Exhibit A-6 Building Elevations

Exhibit A-8 Arial View February 11, 2008 Digital rendering – the existing building is brick, new building mainly glass

Exhibit A-9 View from Campus February 11, 2008 Digital rendering

Exhibit A-10 Polycarbonate GE Panel 40 mil thick – sample of proposed double panels with an opalesques panel in between to soften the light emitted. The glass will be 1 inch insulated with a low E coating, meaning you can see through it.

This will be use mainly by Peddie, though it is currently used by some outside groups who will continue to use the facility. Peddie is not proposing to increase the use of the facility just to upgrade it. The pool and turf are used by outside groups but the fitness is used by Peddie solely. Mr. Rosensweig questioned the increase of volume the project could bring. Mr. Walters stated that it is not the applicant's intentions to increase the volume of people or events at this facility just the quality.

Carmela Roberts and Tamara Lee are sworn in

Ms. Lee questioned the wall of windows and if you will see the lights when they are on. Mr. Walters admitted that you will be able to see a lit wall.

Mr. Sikorski asked what groups will be using the facility? Mr. Coates stated that there a variety of community groups using the facility, some swim groups and also some track groups using the fields.

Sue Cavet – former Peddie Athletic Director 22yrs – current Associate Athletic Director – sworn in

Ms. Cavet stated that the current pool has open pool time for the public during the day which will continue; also there is swimming lessons for individuals and groups, Peddie has aquatic programs that are open to the public. The Hightstown Ballers use the facility, local soccer teams and the local CVC use the track for practice and all of these use will continue. Peddie has no plans for any new events or new activities.

Joe Lalka – Project Engineer – previously sworn at the January 14, 2008 meeting

Exhibit A-11 Landscaping Plan rendering

Mr. Lalka stated that the curbing has been amended as requested by Ms. Roberts to extend the curbing to Schnack Road. The landscaping has been altered by adding additional plantings to bolster the buffer. There was a request to plant trees on Peddie Road and he asked on behalf of the applicant that this be waived. It is believed that planting along the grass will create irregular grass growth in this area.

In the Phase I the applicant will have the first house and the barn removed for the first 227 parking spaces and in Phase II the remaining houses will be removed for the additional 78 parking spaces.

Mr. Lalka stated that there was a request to retelevis the sewer line but the first report showed no defects with a good flow and the pipe was not crushed or interrupted by the building which was the purpose of the report. The applicant is willing to draft an agreement with the Borough that if needed in the future they will add an additional manhole. Ms. Roberts questioned if the Borough was notified prior to the line being televised, Mr. Searing stated that the Borough was not aware of the line being televised. Mr. Lalka provide Exhibit A-12 Checklist Report January 24, 2008 Rootaway. Mr. Searing questioned the amount of debris still left in the line after the initial flushing stating that it should have been cleared. Ms. Roberts asked if there will be any new water/sewer usage and Mr. Lalka stated that there will be no new usage and that the maintenance plan is part of the drainage report.

Mr. Coates requested for the easy of lot identification the consolidation of the lots with the filing of a deed. Mr. Coates said that Ms. Roberts asked for a meets and bounds description which is not needed for the deed (lot consolidation) and is costly. Ms. Roberts stated that she felt it was in the best interest that a map be created so she would to see one.

Mr. Lalka moved on the next item on the checklist the lighting. They have 20ft high 100wtt lamp and more than the original rendering but are staying with the current boxes shown in the plans. Ms. Roberts requested a 6 inch water line leading to the street from the pump room but we believe that a 6 inch line may interfere with our fire suppression system. There also were concerns about the exterior lights the main lights will be on until 11:30 pm or ½ hour after the last event when you look at the lot from the street there will be a glow but no spill over onto Etra Road. Mr. Pratt questioned if the screening will adequately block the headlights of the cars in the parking lot from shining onto Etra Road. Mr. Lalka stated that he believe that while it is not a continuous screen it will be sufficient with the additional plantings.

Mr. Pratt stated he had a problem with the demolition of houses because they are in the way of some additional parking. Also Peddie has stated their intent for the bridge but there is a lack of an easement and lack of diagram for the future bridge in the plans and he feels that it should be done now as in the future it may be more difficult to get approval. He asked for acknowledgement from Peddie by way of indication on the site plan. Mr. Coates indicated that he believed the bridge to span both towns and to not be appropriate at this time to commit to. Exhibit PB-1 Circulation Plan Mr. Pratt corrected Mr. Coates stating that the Circulation Plan included in the Borough's 1998 Master Plan indicated the bridge to be entirely in the Borough. Mr. Coates indicated that Peddie fully supports the building of the bridge. Mr. Lalka raised the issues of the DEP, flood plains, wetlands permits and that it may not be financially or environmentally possible and Ms. Roberts stated that it could be possible. Mr. Coates agreed to put a note on the plans and Mr. Pratt stated that he would want more than a note more a rectangle with the

word future or proposed location of Foot Bridge. After discussion it was agreed that the wishes of one board member could not out-weigh the many and that any action would have to be put to a vote.

15 minute recess

Ms Roberts noted that while Mercer County has the final approval on the curb and sidewalks she would like to see the curbing and sidewalks to the border this will assist in keeping the parking confined to the lot and avoid parking on the sides. Also the lines will need to be retelevised. You need clean pipes to televise them also part of the original DVD was under water there was grease; large amounts of debris and hard to see. The lines should have been clean when televised and Mr. Searing should have been present. Ms. Roberts agreed that these two lots should be consolidated into other Peddie lots.

Mr. Coates again argued the price difference of the combining the lots by deed verses by map. Ms. Roberts asked for the map.

Ms. Roberts has asked for lower more decorative lights asking that nothing shine onto Etra Road. What the applicant is proposing looks more like a shopping center parking lot and not what she had in mind. This parking lot is the biggest in the Borough and very visible from Etra Road she wants something that blends well with the area and the campus.

Ms. Lee noted that the rendering and notes are not consistent from sheet to sheet and she would like to see that corrected. Also Phase II has not protected around it from the work of Phase I, she would like to see a snow type fencing surround Phase II until completed. The canopy trees on Etra Road contrary to the applicant's belief will not affect the turf they will be far enough away, approximately 20 feet away from the turf and on the other side there is actually a more dense collection of trees closer to the turf that the applicant has no problem with leaving in. These trees add an enjoyable view to a long stretch that would have no shade cover and would be consistent with current Borough street views. There are also two trees current over sewer lines that will have to be removed and the landscape notes need to be verified.

Ms. Lee agreed with Ms. Roberts's assessment of the lighting and that the parking lot will change the appearance of the streetscape. She was also concerned what residents' view will be from their second floor. The applicant may have to add more lights but it's a square lot not hard to lie out and it is a subjective issue on style but something other supermarket shoe box light has to be used.

Mr. Lalka stated that the comments have been noted and will be addressed and he will work with Ms. Roberts and Lee and the architect for better choices. He requested that the Board not hold approval and make it an administrative review overseen by Ms. Roberts or Ms. Lee. They also agreed to bring the curbing to the border but they held with the Athletic Departments opinion not to plant the trees near the field.

Scott Kennel – Traffic/Parking/Planning Consultant – McDonough & Rhea, Manasquan, NJ – sworn in

Mr. Kennel stated that he consulted with the Peddie staff concerning past events and the parking and visited during two events and witness the parking along Etra Road. There currently only 90 paved parking spaces and events normally need 200 spaces, when the 90 are used they use the 45 space by the maintenance field house and then use the practice field, weather permitting, and then the overflow park along the dirt road into the East Windsor fields. Twice a year there events that require 300-350 spaces and even with the new parking configuration there will be parking short falls. It is recommended that the staffing/professional use the lot by the maintenance field house.

Mr. Montferrat stated that he assumed that this information was based on historical data and available land. Mr. Kennel responded that the historical data came from Peddie staff, Paul Miller and Mike McKittish.

Mr. Rosensweig asked to view the source data; Mr. Coates initial refused stating that the applicant is stands by its original report. After discussion it was agreed by Mr. Kennel to release the information provided to him by the applicant. After questioning Mr. Kennel revealed that he was not asked to a traffic impact study, that with the upgrades this facility has the ability to increase the number of events but not the intensity and that the source data consists of the number of cars in the vicinity of the field house during sporting events.

Brad Walters discussed the square footage:

Fitness Center:	Existing: 2280 sq ft Proposed: 6570 sq ft
Athletic Offices:	Existing: 1775 sq ft Proposed: 2850 sq ft
Pool:	Existing: 10,300 sq ft Proposed: 15,680 sq ft
Existing Building:	Footprint: 75,460 sq ft Total: 109,200 sq ft
Proposed Building:	Footprint: 105,735 sq ft Total: 151,905 sq ft

Paul Phillips – Project Planner – Phillips Price Schapiro – sworn in

Mr. Philips stated that he prepared the community impact, the variances and the COAH. The houses in the plan do not meet the set back condition but will be removed during construction. The existing building exceeds 35 feet but proposed building less than 30 feet. There is a variance of the 6ft continuous planting and agreed to plant seven additional trees to help meet the spirit of the ordinance.

Mr. Phillips discussed COAH Round III Rules and agreed with Ms. Lee that for now the Borough's Growth Share Rules that state that 2% of the equalized value of new construction is what will be used for COAH.

Mr. Phillips stated that there is no known community impact. There was some discussion of placement of the faculty after the houses are demolished and Peddie was unable to clarify where they would be placed. There is no increase in the number of events so no change in the need for police or EMS.

Ms. Roberts asked that there be a Stormwater easement or deed restriction. Mr. Lalka agreed that this could be done as in the past with Peddie Woods.

Mr. Montferrat opened the meeting to the public – no one came forward.

Application 2007-08 was moved by Mayor Patten with the following conditions:

- Sidewalk width of 5ft
- Review with the fire department the fire suppression system for recommendation in compliance with Ms. Roberts request for a 6 inch water line to curb
- Consistent notes between the plans
- Phase II protection
- Lot consolidation with maps
- Additional seven trees
- Street trees
- Extent curbing and sidewalk to border
- Lighting redesigning, style and layout with administrative overview from Ms. Roberts by Boards consent
- COAH 2%
- Stormwater agreement
- Proposed Bridge
- Sewer Pipe Reline
- No Parking on Etra Road – Council Consent

Application seconded by Mr. Searing.

Roll Call: Mr. Montferrat, Mr. Pratt, Mr. Olsen, Mr. Byrne, Mr. Searing, Mr. Sikorski and Mayor Patten voted yes. Mr. Misura, Ms. Laudenberger, Mr. Emigholtz, and Ms. Hutchinson abstained.

Application adopted 7-0.

## COMMITTEE REPORTS

### REDEVELOPMENT COMMITTEE

Mr. Misura reported that the committee met with East Windsor regarding the Minute Maid property and things went well enough that there will be another meeting in the near future.

### HISTORIC PRESERVATION

Both Ms. Laudenberger and Mr. Olsen attended the last Historic meeting where they discussed the proposed ordinance. Ms. Laudenberger noted that they have not worked out a way to enforce the ordinance and that they should have a system of variance such as the planning board does. Mr. Olsen commented that he felt that there should be more freedom and that they should be more of an advisory board. It was agreed that the Historic Commission needs to work on the ordinance more and it was noted that it has not been reviewed by the Borough attorney yet.

Mr. Misura suggested that an Affordable Housing Committee be formed as it seems that it will be needed in the near future. Mr. Emigholtz was appointed Chair and Ms. Hutchinson and Mr. Misura would also sit.

Mr. Sikorski moved to adjourn. The motion was seconded by Mr. Emigholtz, and the meeting was adjourned at 11:30 p.m.

Respectfully submitted,

Leona Baylor  
Planning Board Secretary