

**TOWNSHIP OF HOPEWELL
ZONING BOARD OF ADJUSTMENT**

WEDNESDAY, January 27, 2016

The January 27, 2016 Special Meeting of the Hopewell Township Zoning Board of Adjustment (ZBOA) was held in the Municipal Building on the above date.

The Agenda Meeting of the ZBOA was held at 7:00 p.m.

SPECIAL MEETING

The Special Meeting of the ZBOA was called to order by Chairman Connolly at 6:02 p.m. in accordance with the Open Public Meetings Act, noting that proper notice of said meeting was forwarded to the Hopewell Valley News, The Times, The Trentonian, and the Hopewell Express and posted on the Municipal Bulletin Board.

ROLL CALL

PRESENT: Cane, Ferrara, Lockwood, Moser, Schoelwer, van Raalte, Chairman Connolly
ABSENT: Klapinski, Purandare
ALSO PRESENT: Attorney Kevin Van Hise, Zoning Officer Miller, Planner Banisch

The Board went into a closed session to discuss litigation. Upon completion, the meeting continued at 7:00 p.m.

Due to the fact that Chairman Connolly recused himself from hearing the Princeton Farmhouse, LLC d/b/a The Farmhouse at the Technology Center of Princeton application and Vice Chair Klapinski was absent, the Special Meeting of the ZBOA was continued with Senior Member Chair Cane at 7:06 p.m. This meeting was audio recorded.

CASE 2016-2 - PRINCETON FARMHOUSE, LLC d/b/a THE FARMHOUSE AT THE TECHNOLOGY CENTER OF PRINCETON - 330 Carter Road a/k/a 328 Carter Road, Princeton, New Jersey, Block 40, Lot 14.03 (on the Township Tax Map). Applicant was applying for a Use Variance application with a bifurcated Site Plan (submitted at a later date) to convert the existing office use building to a catering facility. Reinitiating a prior approved Use and Site Plan Variance for a restaurant; located in the RO-3 Zoning District. This application was continued from the January 6, 2016 Regular Meeting.

Mr. Christopher DeGrezia, of Drinker, Biddle & Reath, representing the applicant, explained that this application was for a bifurcated use variance. This was for a catering facility to be located in a corporate center (the old Lucent Campus - Hopewell Business Campus, now called the Technology Center) located off of Carter Road near the intersection of Cleveland Road. A full description of the site was given. Further explanation was given regarding:

- 2003-2004 approval for a prior application for this property
- Proposed changes to the environment and seats within the facility
- The Applicant, Max Hansen's, intentions with regard to the site

Mr. Max Hansen, owner of Max Hansen Caterer, as well as Bob Hillier, Architect; John McDonough, Project Planner, Jim Merrill, Acoustical Consultant; and Daphne Galvin, Professional Engineer, Partner Engineering; were all sworn in by Attorney Van Hise.

Mr. Hansen gave testimony with regard to:

- History with regard to his existing catering business
- Willingness to be a good neighbor
- Reduction of seating in prior approval from 428, down to 304; 3 to 4 events maximum per week; traffic, septic, noise
- Lack of catering venues in Mercer/Hopewell/Princeton
- Jobs and support of Non-Profits to make it affordable to them
- Catering/Banquet Facility use as well as Grab-N-Go use

Mr. Hillier gave his professional qualifications, which were accepted. Using a slide show presentation; Exhibit A-1, he described all architectural aspects of the property.

Chair Cane asked for any questions from the public.

Resident, Mr. Peter Flemming, 6 Cleveland Road West, asked questions regarding trucks, traffic, and building changes; which were address by Messrs. Hansen and Hillier. There will be 20 employees and 4 to 5 trucks per day, 5 days a week. Mr. Flemming also made a comment regarding soundproofing.

Discussion with Board Members included:

- Grab-N-Go traffic
- Rainwater drainage

Resident, Mr. Scott Keneman, of Cleveland Road West, made a request to provide testimony expressing his perspective on the traffic, and was told he would be heard after traffic testimony. Mr. DeGrazia stated that they had no traffic expert, and that their position was that a permitted use has substantially more traffic, and under the prior approvals and prior reports that they were substantially lower, which would therefore give no impact. Mr. Hansen's testimony of traffic was deemed adequate for this application.

Professional Engineer for the applicant, Ms. Galvin, gave her professional qualifications, which were accepted, and responded to a question from the Board with regard to a description of the septic system and the existing treatment plant. She was not familiar with monitoring wells onsite. Discussion was held between Mr. DeGrazia and Board Members with regard to ongoing monitoring and site remediation, which was the responsibility of AT&T and predecessors. Ms. Galvin also testified to sewer flow, and paperwork with regard to her testimony will be supplied.

Planner for the applicant, Mr. McDonough gave his professional qualifications, which were accepted, and gave a description of planning analysis for this application, connecting the relief that the applicant needs with the zoning ordinance, master plan, and municipal land use law - using photos and documents labeled Exhibit A-2. He also testified with regard to positive and negative criteria, and gave some information with regard to his perspective on possible traffic and parking issues that could be present versus what is being proposed.

Discussion with Board Members included:

- Open space buffer, and maximum addition is 20,000 square feet
- Hours of operation, which was addressed by Mr. Hansen:
 - Weekdays 8 a.m.- 8 p.m. (Monday-Friday), if they are not doing an event
 - All sound must end at 11 p.m. - open until approximately 12 a.m., to close down the site
 - Most weekdays will probably be 8 a.m.-6 p.m.
 - Catering will be taking place mostly on the weekends
 - There will occasionally be events during the week
 - They had been primarily an off-site caterer, this will be their home
 - This will also be a commissary

There were no further questions from the Board. Chair Cane asked for any questions from the public.

Resident, Mr. David Rossien, 13 Cleveland Road West, asked a question as to why the facility would be required to close at 11 p.m., due to noise, if there is already such good sound control.

Further discussion with Board Members touched on expert testimony regarding sound abatement.

Sound Professional for the applicant, Mr. Merrill gave his professional qualifications, which were accepted, and gave testimony with regard to the design goals of the dB rating at the edge of the property being 65 dBa during the day and 50 dBa at night.

Discussion with Board Members explored what noise is covered by these dBa ratings. Mr. Merrill testified that there will be no exterior amplified music. There will only be unamplified musical instruments, potentially a string quartet.

At this point counsel was finished with presenting their case.

Chair Cane asked if there were any further questions having to do with any testimony given so far.

Resident, Mr. Fred Weber, 374 Carter Road, asked questions with regard to amplified music at Marshall's Restaurant (proposed former use), enforcement of non-amplified music outdoors, and his concerns from a point with regard to Sensors Unlimited (which is outside of this application). Additional questions were asked with regard to the number of catering vehicles, possible number of weddings per day, days of the week when weddings will be held, size of the venue, and possible geese problem. He also touched on comments from Mr. Max Hayden, with regard to testimony during previous use approval, saying this property has no historic or architectural value. He questioned whether the Board would vote on this application, tonight, if there was no testimony from a traffic expert.

Board Members discussed how the front door will be refinished and kept. It was proposed that the possible reason behind what Mr. Hayden may have said regarding historic value may have been due to the architecture of the building or people, places or events held there, and that the cultural character of the community is well represented by this building.

Short break from 8:42 to 8:50 p.m.

Resident, Mr. Scott Keneman, 8 Cleveland Road West, gave a presentation regarding his concerns with traffic problems at the corner of Cleveland and Carter Roads. Mr. DeGrazia allowed Mr. Keneman's testimony to be heard, but reserved the right to object. Description of documents P-1 - 3 Page

document prepared by Mr. Keneman; P-2 - 2 Page document with a series of 3 photographs; and P-3 - 2 Town Forum Editorials were heard.

Discussion with Board Members acknowledged that there is a problem with the intersection, but they felt that traffic from this site would have minimal impact there, and they asked that Mr. Keneman limit his discussion to impacts from this application.

Mr. Keneman was ultimately advised that the concerns of he and his neighbors would be better addressed by going before the Planning Board, Township Committee, or The County.

Further questions and comments were heard from the following residents:

Ms. Nancy Goldfuss, 21 Nelson Ridge Road, who asked questions regarding the number of dumpsters on-site, their collection times, cooking odors, and voiced her concerns about noise.

Mr. Peter Flemming, 6 Cleveland Road West, was sworn in and commented that he has not had any difficulty with entering or exiting Cleveland Road.

Mr. David Rossein, 13 Cleveland Road West, was sworn in and made comments with regard to traffic and noise.

Mr. Fred Weber, of Carter Road, was sworn in and asked a question about the terrace, acknowledged the good faith offer of no amplified music there, and noted that he supports this use.

Mr. Philip Liu, a local resident, who is a Civil Engineer/Traffic Engineer and is Design Chief working for DOT in NYC, was sworn in and gave his opinion with regard to the Cleveland Road problem. He was also told that he should talk with the Planning Board, Township Committee, or The County.

Ms. Barbara Delafield, 4 Cotswald Lane, was sworn in and asked questions about The Chauncey Conference Center, Main Street, and underground water with Trichloroethane. Mr. Hansen testified that he was aware of the Trichloroethane situation and that he has been told that it has been monitored for years and is under control.

MOTION by van Raalte, seconded by Moser to close the public hearing.
MOTION UNANIMOUSLY CARRIED

Mr. DeGrazia brought up his thoughts and concerns regarding traffic on the premises having substantially less impact on adjoining roads compared to the previously approved application. He also discussed special precautions taken by the applicant with regard to noise levels, that there will be no amplified music played outside, pointed out property preservation measures to be taken, and mentioned their special regard for surrounding neighbors.

Further discussion with the Board included:

- 2003 traffic study
- Times of weddings (which will be held mostly on the weekends, with an occasional weekday event, and a maximum of 20-30 people on the property during the week)
- Their trucks will primary be servicing the 2 complexes on the property (United Technologies and Bristol Myers Squibb)
- Signage will be discussed during the site plan portion

Various Board Members gave their positive impressions with regard to this application.

Attorney Van Hise listed the conditions which were:

- No amplified outdoor music
- Applicant will supply the spring documentation for the waste water treatment plant that's onsite
- Hours discussed: Monday-Friday 8 a.m.-8 p.m., with extended time for events to 11 p.m., being consistent with the ordinance. They may have night time events, but they will be less frequent.

MOTION by Ferrara, seconded by van Raalte to approve this application.

ROLL CALL VOTE:

AYES: Ferrara, Lockwood, Moser, Schoelwer, van Raalte, Chair Cane

NOES: None

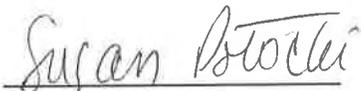
ABSENT: Klapinski, Purandare

RECUSED: Chairman Connolly

At 9:46 p.m. **MOTION** by van Raalte, seconded by Moser to adjourn the meeting.

MOTION UNANIMOUSLY CARRIED

Respectfully submitted,



Susan Potocki
Zoning Board Recording Secretary