

TOWNSHIP OF HAMILTON, MERCER COUNTY, NEW JERSEY

RESOLUTION OF MEMORIALIZATION

RESOLUTION, DULY ADOPTED BY THE ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF HAMILTON AT A MEETING HELD ON APRIL 11, 2006, IN REGARD TO:

APPLICATION NO: 05-10-104

OWNER: B. Jones, L. Saver, S. Phillips, Beverly Jones (Waterview Center Office)

APPLICATION OF: King Interests, LLC

LOCATION: Klockner Road, Hamilton Township, Mercer County New Jersey, Map 289, Section 2610, Lot 27

ZONE: RD

GRANTING APPLICATION FOR: Use variance, building height, preliminary site plan; final site plan- phase 1; variances for location for pump station within front yard area; for height and setback of ground sign and for height and area of directional signage; waiver of parking space dimensions, number of paved parking spaces provided (ie: for banked parking), tree location plan, five hundred year flood plan delineation, and landscaping parking space islands at every tenth parking stall, for the purpose of constructing a three hundred thousand square foot office development to include phase 1-two three story office buildings, totaling one hundred and twenty thousand (120,000) square feet, and phase 2- one four story, and one five story office building totaling one hundred and eighty thousand (180,000) square feet.

WHEREAS, B. Jones, L. Saver, S. Phillips, Beverly Jones and Waterview Center Office Complex are the Owners, and King Interests, LLC is the Applicant of the premises located on Klockner Road, Township of Hamilton, County of Mercer, State of New Jersey,

Map 289, Section 2610, Lot 27 in the RD Zone, and desires to build an office complex by obtaining a use variance, bulk variances, waivers, preliminary site plan approved for the entire project (i.e., phase 1 and 2) and final site plan approval for phase 1 to complete the same; and

WHEREAS, the Board held a public hearing on February 16, 2006, continued to March 14, 2006, in accordance with the law, at which time the Applicant presented testimony, and the Board considered the reports dated October 31, 2005, revised January 31, 2006, prepared by the Hamilton Township Division of Planning, and reports dated October 27, 2005, revised December 7, 2005, revised February 15, 2006, by the Hamilton Township Division of Engineering; and

WHEREAS, the Division of Planning has reviewed the application, preliminary site plan drawings, Phase 1 and 2, by ACT Engineering Incorporated, dated September 27, 2005, and final site plan drawings for Phase 1, prepared by ACT Engineering, dated September 27, 2005, and architectural drawings prepared by Fletcher Thompson, and Phase 1 landscaping plans prepared by Linda Barie, dated September 29, 2005; and

WHEREAS, the subject matter of the Application was within the jurisdiction of the Board and the Board acted within the time required by law; and

WHEREAS, the meeting was properly noticed in accordance with the Municipal Land Use Law and the Open Public Meetings Act and an Affidavit of Proof of Service and Publication of Notice was filed with the Board; and

WHEREAS, the Application was deemed complete by the Department of Planning and Engineering of the Township of Hamilton; and

WHEREAS, Dan Haggerty, Esq., from the law firm of Stark and Stark, represented the Applicant; and

WHEREAS, Edward Roth, Architect and Planner, testified on behalf of the Applicant; and

WHEREAS, William F. King III, testified on behalf of the Applicant as a representative of the Waterview Center Office Complex; and

WHEREAS, The Applicant presented the following exhibits:

A-1: Firm information

A-2: Arial map

A-3: Rendered landscaping plan

A-4: Three dimensional rendering of Buildings One and Two

A-5: Photo of Carnegie Center Building

A-6: Elevations of tall buildings

A-7: Roof Plan

A-8: Supplemental Parking Plan

A-9(1): Letter from ACT Engineering 12/30/05

A-9(2): Letter for Shorr and DePalma 12/28/05

A-10: Supplemental signage and lighting details

WHEREAS, the Zoning Board of Adjustment for the Township of Hamilton, County of Mercer, State of New Jersey, makes the following Findings of Fact and conclusions of law based upon the Application and supporting documentation, testimony presented on the record at the hearing, and the reports submitted by the Township's professional staff:

1. The Applicant seeks a use variance (building height for building three of 55'4" and building height for building four of 68'8"), preliminary site plan approval;

final site plan approval for phase 1; variances for location for pump station within a front yard area for height and setback of three ground signs and for height and area of directional signage; waivers of parking space dimensions, number of paved parking spaces provided (i.e. for banked parking), tree location plan, and five hundred year flood plane delineation, for the purpose of constructing a three hundred thousand square foot office park development.

2. The property at issue is located on Klockner Road in the RD Zone.
3. The Applicant is proposing to construct a three hundred thousand square foot office park development. The office park will be divided into two phases, phase 1 consisting of two three story buildings having a total square footage of one hundred and twenty thousand (120,000) square feet, and phase 2 will consist of one four story and one five story office building having a total square footage of one hundred and eighty thousand square feet.
4. **Use Variance:** The maximum permitted building height in the RD Zone is forty-five feet. Section 160-7 of the Ordinance states that structures located upon the roof housing mechanical apparatus which service the building are not included in the height calculations if they are less than ten foot in height, occupy less than thirty percent (30%) of the roof area, and are adequately screened or complement the façades of the front, rear, or side elevations of the property. The Applicant is proposing to place roof screens upon the building that occupy less than thirty percent (30%) of the roof area. The project architect has designed the roof screens to not be included in the height calculations of the buildings at issue, as they are nine feet eleven inches in

height. Based upon this fact, the roof screens are below the ten foot height area, and therefore not calculable in the maximum permitted height pursuant to Section 160-7 of the Township Ordinance.

5. As per Section 160-83(11) of the Hamilton Township Ordinances, when there are wetlands upon a property, floor area ratio (FAR) will not be based upon the area of the entire property. Wetland areas on the property will only be included in the FAR calculations based upon the sliding scale as outlined in the ordinance. In this instance, the wetland area upon the property is 11.256 acres, which is 23.21% of the lot area. Therefore, 60% of the wetland area, or 6.75 acres, would be included in the FAR calculations. Based upon this formula, the FAR will be based on a total of 43.99 acres, and not the total lot area of 48.5 acres. Thus, the FAR changes from .14 to .16, which complies with the Ordinance requirement. The FAR calculations, as put forth in this paragraph, must be placed upon the application and to be included with the FAR calculations as well.
6. As per ordinance, the accessory building (pump station) must be located in the rear of the yard. The proposed location for the pump station is in the front yard at a distance between one hundred and eight feet and one hundred and fifteen feet from the property line. Based upon this fact, variance relief is required and the Applicant must demonstrate that the pump station at issue will be screened from Klockner Road by a wooded area and/or shrubbery.
7. Regarding signage, in the RD Zone, the Township Ordinance states that ground signs shall be setback fifty (50) feet from the property line and shall not exceed

six (6) feet in height. The Applicant is proposing to construct a ground sign sixteen (16) feet in height having an area of eighty (80) square feet, at a distance of thirty (30) feet from the property line. Based upon this fact, the Applicant requires bulk variance relief from the above mentioned design standards.

8. Variance relief from directional signage is also required due to the fact that identification signs shall not have a height exceeding nine feet, nine inches, (9.75) and shall not exceed two (2) square feet in area. The proposed height of the directional signage is 9.75 feet, with an area of 22.5 feet. Based upon this fact, a slight bulk variance is needed for directional signage.
9. Within the RD Zone, one parking space is required for each two hundred and fifty square feet of gross floor area for each building up to one hundred thousand square feet. In this instance, the Applicant has applied a ratio of 3.3 spaces per one thousand square feet of area. By ordinance, a total of 1,200 parking spaces are required, which is a ratio of 4 spaces per one thousand square feet of office. The proposed preliminary site plan shows a proposed number of 1,006 parking spaces. This leaves a deficit of 194 parking spaces, which must be addressed by the Applicant.
10. The Applicant has addressed the deficit of parking by providing “banked” parking spaces to conform with the Township Standards. The “banked” parking locations are depicted upon the site plan and show the proposed locations upon the site. The banked parking areas will require additional disturbance to be included within the existing forested area on the site plan. As

such, in lieu of constructing the additional parking, it will design these parking spaces as “banked” spaces, and said spaces will only be constructed if needed by the Applicant in the future.

11. In terms of parking circulation, the following is required. Aisle width shall be set aside at twenty-five feet within the parking area, as required by ordinance. Each parking space shall not be less than one hundred and eighty square feet in area, not less than nine feet wide, and not less than twenty feet deep (except in areas where they abut an island, in which instance they shall be nine feet wide by eighteen feet deep).
12. The Applicant is required to provide pedestrian connections from the furthest parking spaces to the building, which would aid in providing safe walkways for pedestrians.
13. The Applicant is also required to provide crossings over the swales in the parking area. The swales are at .80 feet in depth, which will fill with water and ice, and therefore create hazardous conditions to walk across unless some type of bridging material is provided by the Applicant.
14. Pursuant to Section 160-119 of the Township Ordinance, one landscaped parking space must exist per every ten parking spaces provided. This will aid in breaking the view of long rows of parked cars, and be aesthetically pleasing to the site plan. The proposed area of landscaped islands and swales exceeds the ordinance requirement and are provided in lieu of a “finger” island at every tenth parking stall.

15. Landscaped islands are necessary within the parking area. Painted strips in lieu of landscape islands are not acceptable.
16. The Applicant is required to obtain the necessary NJDEP approvals for any disturbance in the wetland transition area. The Applicant must perform the required buffering as required by the NJDEP.
17. In terms of lighting, the Applicant is required to remove the .25 foot candle value, and install lights with isolux values, at the .50 foot candle value.
18. Any and all light fixtures to be utilized upon the project must meet approval of the Hamilton Township Professionals.
19. The entire parking lot of the project must be curbed. Curbing that is to be utilized for the parking areas, as well as the entire project shall be Belgian Block curbing. Where drainage within the parking area is an issue, Belgian Block curbing with openings must be installed for sheeting.
20. In terms of landscaping, all shrubs shall be planted in continuous mulched beds and not individually.
21. All conifers should be sized at a minimum of six to eight feet at the time of planting.
22. The Applicant should increase the caliper size of some of the shade trees around the office buildings. The height of the trees should be variant to create a more natural landscaping buffer. Prior to the planting of trees, Township approval is necessary as to the size and selection of such trees. In terms of phase one of the landscaping plan, the following is needed:

- a. The Applicant should diversify the Red Oak species and use a maximum of twenty of these trees. The remaining thirty-one trees to be included in phase one shall be composed of at least two other species of trees.
- b. Two additional conifers are to be added to the rear of the pump house elevation for screening.
- c. Three deciduous shade trees are to be added to the north-west side of the twenty three parking space rows and must be included. The retaining walls that are proposed to be built in the areas of Edgebrook must also be approved by Township Officials prior to the installation.
- d. All structures within the retention basin must have a stone veneer facing to create a more natural appearance.
- e. Any and all parking lot fixtures must be located within the small triangular shaped islands in the parking lot in order for the fixtures to be flush mounted with grade and not impede vehicular parking.
- f. The Bradford Pear Trees along Klockner Road that are storm damaged should be replaced by the Applicant with different species of trees such as Red Spire, Chanticleer or Whitehouse Pear.

- g. The six trees adjacent to the road widening on Klockner Road for the deceleration lane should be removed and relocated in their entirety. New street trees should be planted in their place.
 - h. Within the parking lots, at least five percent of the parking lot areas shall be landscaped. The landscaping should be located in the protective areas along the walkways, and center islands. At least one tree should be planted for every ten parking spaces provided in all street parking areas.
23. The Applicant is subject to the Tree Replacement Ordinance.
 24. The Applicant is required to build a bike path along the frontage of this property along Klockner Road to be in compliance with the master plan, except in any area near Edge Brook for which the NJDEP will not issue any required permit for same.
 25. The property is subject to transportation improvement district fees that total \$660,000.00. The breakdown for phase one and two is as follows:

300,000 square foot of total area (phase one and two) times \$2.20 equals \$660,000.00. \$264,000.00 is allocated towards phase one and \$396,000.00 is allocated towards phase two.
 26. The Applicant is required to provide an easement with a natural trail along the creek that borders the property.
 27. Any and all utilities must be placed underground.
 28. The Applicant is responsible for affordable housing fees.

29. All trees are to be placed at a minimum of ten feet from the underground utilities.
30. Any and all detention facilities have to be engineer certified in accordance with approved plans that the detention basins are of an appropriate size and volume for the storage that is provided.
31. The parking stall stripping detail in the ADA parking stalls require twenty feet stall lengths.
32. All structural material is to be fabricated out of pre-cast materials.
33. All concrete structures must have a minimum compressive strength of 4,000 PSI.
34. All work that is completed must be in accordance with NJDOT (Standard Specifications for Road and Bridge Construction), Edition 2000 (The White Book), and the "Township Construction Details", as revised to January 2005.
35. The Applicant must comply with the Township Water Pollution Control Department comments.
36. The Applicant must comply with Township Fire Official comments.
37. The property at issue is directly opposite Horizon Drive. Mack-Cali is developing a site on the east side of Klockner Road, and will be improving the intersection of Klockner Road and Horizon Drive. The Applicant agreed to enter into an agreement with Mack-Cali and the Township for an acceptable arrangement to construct the complete intersection between the entrance of the Applicant's property and Horizon Center Drive.

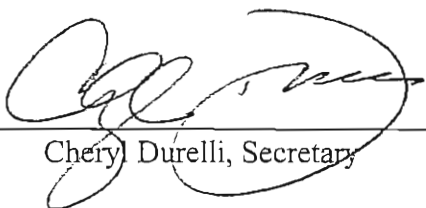
38. The matter is lawfully before the Zoning Board and the Board has the jurisdiction to hear the subject matter presented.
39. The Board has acted within the time required by law.
40. The Board is satisfied that the Applicant has demonstrated that the request for a use variance (building height), bulk variances and waiver relief from the zoning requirements would advance the purposes of the Municipal Land Use Law and the Hamilton Township Land Development Code. The Board further finds that the proposed deviation would not be detrimental to the neighborhood and that the benefits conferred by the Applicant substantially outweigh any detriments to the neighborhood.
41. The requested use variance (building height) for the purpose of establishing an office park is an inherently beneficial use and is particularly well suited for the proposed location.
42. The requested use variance (building height) for the office park can be granted without any substantial detriment to the public good.
43. The requested use variance (building height) for the office park will not substantially impair the intent and purpose to the Zone Plan and Zoning Ordinance.

BE IT THEREFORE RESOLVED, by the Zoning Board of Adjustment of the Township of Hamilton, County of Mercer, State of New Jersey, that the requested use variance (building height), preliminary site plan approval, final site plan approval- phase 1, bulk variances and waivers for purposes of creating a 300,000 square foot office park is


hereby granted subject, however, to the following condition which have been agreed to by the Applicant:

1. Payment of all fees and costs.
2. Compliance with all applicable conditions set forth in the reports prepared by the Hamilton Township Division of Planning dated October 31, 2005, revised January 31, 2006, and the report of the Division of Engineering dated October 27, 2005, revised December 7, 2005, revised February 15, 2006, as well as the testimony of the Township professionals at the Board hearing.
3. Compliance with all other applicable ordinances of the Township of Hamilton and the laws of the local, state and federal governments.
4. Compliance with the conditions of approvals by other governmental bodies having jurisdiction; and

BE IT THEREFORE RESOLVED, that the Chairperson or Vice Chairperson and the Secretary or Acting Secretary are authorized to execute the aforesaid plans, after signature by all other municipal officials, and distribute copies of same to all interested parties.

By: 
Cheryl Durelli, Secretary

CERTIFIED to be a true copy of a Resolution adopted by the Hamilton Township
Zoning Board of Adjustment at a regular meeting held at the Municipal Building on the 17th
day of April, 2006.

By: 
Cheryl Durelli, Secretary