

APPROVED AS AMENDED: February 22, 2011

WEST WINDSOR TOWNSHIP COUNCIL
BUSINESS SESSION
NOVEMBER 22, 2010

CALL TO ORDER: President Ciccone called the meeting to order at 6:00 p.m.

STATEMENT OF ADEQUATE NOTICE

This is to advise that the notice requirement provided for in the "Open Public Meetings Act" has been satisfied. Notice of this meeting was properly given and transmitted to The Times on July 7, 2010 and Princeton Packet on July 9, 2010; filed with the Clerk of the Municipality; and posted in the West Windsor Township Municipal Building at North Post and Clarksville Roads on July 7, 2010 and the Closed Session was noticed on November 12, 2010.

ATTENDEES: President: Ciccone; Vice President: Khanna; Council: Borek, Geever, Morgan; Mayor Hsueh; Business Administrator: Hary; Township Attorney: Herbert; Township Planner: Madden, Planning Board Attorney: Muller; Traffic Engineer: Davies; Township Clerk: Young

CLOSED SESSION

Ms. Young read the closed session resolution into the record:

Whereas, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting, and

Whereas, the Township Council of West Windsor Township has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public; and

Whereas, the regular meeting of this Township Council will reconvene; and

Whereas, the below stated subject matter shall be made available at such time as the issues discussed therein are resolved and its disclosure would not subvert any particular exception for convening a closed session.

Now, therefore, be it resolved that the Township Council of the Township of West Windsor will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12: For the discussion of IC/L-A Washington Road LLC (InterCap) litigation.

Council went into closed session at 6:02 p.m.

MEETING RECONVENED

Meeting reconvened at 7:12 p.m.

SALUTE TO THE FLAG

Ms. Young led the salute to the flag.

PUBLIC COMMENT

Ms. Teresa Stimpfel, 328 Andover Place, Robbinsville, spoke of the D & R Canal Commission and a resolution supporting the Commission and preventing its decommission as recommended by Governor Christie.

Mr. David Siegel, 17 Berrien Ave., voiced his support of the D & R Canal Commission and adoption of the resolution.

CEREMONIAL MATTERS AND/OR TOPIC FOR PRIORITY CONSIDERATION

Presentation by Mr. Christopher Wren pertaining to the Township Community Garden

Mr. Christopher Wren spoke about the creation of the West Windsor Township Community Garden with the help of Mr. Dan Dobromilsky, West Windsor Township Landscape Architect. Mr. Wren outlined reasons for interest and goals to expand. He discussed the lack of water at the site and the challenge the Garden faced to get water to the site for utilization. Mr. Wren asked for funding to connect to public water supply with an estimated cost of \$6,000.00.

Ms. Geevers asked if there were any grant funds available for the extension of water to the garden.

Mr. Morgan confirmed that the Farmhouse does not have water and inquired about forming a 501(c)(3).

President Ciccone advised that the Community Garden is an important part of the community and West Windsor earned points toward achieving the Sustainable Jersey Award.

MAYOR/ADMINISTRATOR COMMENTS

Mayor Hsueh noted that on November 16th West Windsor Township officially received the Sustainable Jersey "Silver Award". The Township is 1 of only 4 communities to receive this Award. He also noted that the Township received the Municipal Engineering Award for Construction Management.

COUNCIL MEMBER COMMENTS

Ms. Geevers asked that street names be added to ordinances on the agenda along with block and lot numbers.

Mr. Khanna advised that public participation made the difference in the number of points received for the Sustainable Jersey "Silver Award".

CHAIR/CLERK COMMENTS

President Ciccone acknowledged that volunteers worked hard to gather information to help attain the Sustainable Jersey "Silver Award".

ORDER OF AGENDA AMENDED

Motion to amend the order of the agenda to the following:
Consent Agenda, Recommendations from Administration, Public Hearings for 2010-27 and 2010-28, Introduction of Ordinance 2010-29, Public Hearing for JCC Ordinances 2010-25 and 2010-26, and the InterCap Settlement Agreement Resolution 2010-R256.

Motion to approve: Borek

Second: Khanna

RCV: aye Borek

aye Geevers

aye Khanna

aye Morgan

aye Ciccone

CONSENT AGENDA

Resolutions

2010-R254 Refund of Overpaid Sewer Rent

2010-R255 Refund of Overpaid Property Tax

MINUTES

September 13, 2010 - Agenda Session - as amended
September 13, 2010 - Closed Session II - as amended
September 20, 2010 - Business Session
September 27, 2010 - Special Session
September 27, 2010 - Closed Session
October 4, 2010 - Business Session
October 4, 2010 - Closed Session I
October 4, 2010 - Closed Session II
October 18, 2010 - Business Session
October 18, 2010 - Closed Session

BILLS & CLAIMS

Motion to approve consent agenda: Borek

Second: Khanna

RCV: aye Borek

aye Geevers

aye Khanna

aye Morgan (abstain from voting on Mr. Secare's invoice)

aye Ciccone

RECOMMENDATIONS FROM ADMINISTRATION

2010-R257 Authorizing the Mayor and Clerk to Execute a
Developer's Agreement with the Jewish Community Campus
of Princeton Mercer Bucks

2010-R258 Appointment of Members of the Assessors for the
Heatherfield Development Project Conducting Assessment
Hearings for Sewer Service

2010-R259 Authorizing the Township's Affordable Housing Attorney to Acquire 47 Windsor Ponds Road from the Windsor Ponds Condominium Association

2010-R260 Authorizing the Mayor and Clerk to Sign Papers for Conveyance of 104 Wenlock Court, Unit 3 to the Patels

Motion to approve Resolution 2010-R257 through 2010-R260: Morgan
Second: Borek

RCV: aye Borek
aye Geevers
aye Khanna
aye Morgan
aye Ciccone

PUBLIC HEARINGS

2010-27 ORDINANCE AUTHORIZING THE ACQUISITION OF A TEMPORARY CONSTRUCTION EASEMENT FROM GRAHAM AND SYLVIE WEBB LOCATED ON BLOCK 62, LOT 132

President Ciccone opened the public hearing.

Ms. Alison Miller, 41 Windsor Drive, urged Council to adopt this ordinance.

Mr. David Siegel, 17 Berrien Ave., noted that sidewalks will increase safety and urged construction of the sidewalks as soon as possible.

Mr. Mark Shallcross, 12 Jeffrey Lane, noted that Wallace Road is in bad shape and supported the adoption of this ordinance for sidewalks construction.

Motion to close public hearing: Morgan
Second: Borek

RCV: aye Borek
aye Geevers
aye Khanna
aye Morgan
aye Ciccone

Motion to adopt: Morgan
Second: Borek
RCV: aye Borek
aye Geever
aye Khanna
aye Morgan
aye Ciccone

2010-28 ORDINANCE AUTHORIZING THE ACQUISITION OF RIGHT-OF-WAY FROM LAURENCE CHANG AND AMY CHU LOCATED ON BLOCK 7, LOT 1.01

President Ciccone opened the public hearing.

Ms. Alison Miller, 41 Windsor Drive, urged Council to adopt this ordinance.

Ms. Sandra Shapiro, 15 Wycombe Way, urged the adoption of this ordinance.

Motion to close public hearing: Morgan
Second: Borek
RCV: aye Borek
aye Geever
aye Khanna
aye Morgan
aye Ciccone

Motion to adopt: Morgan
Second: Geever
RCV: aye Borek
aye Geever
aye Khanna
aye Morgan
aye Ciccone

INTRODUCTION OF ORDINANCES

2010-29 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 82, "FEES", SECTIONS 82-6; 82-7, 82-10, 82-11; 82-12, 82-13, 82-15, 82-21, 82-22 OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR TO INCREASE FEES

Motion to introduce: Morgan
Second: Khanna
RCV: aye Borek
aye Geevers
aye Khanna
aye Morgan
aye Ciccone

Mr. Morgan advised that the fees are not excessive and they are in line with neighboring communities.

Public Hearing for this ordinance is scheduled for the December 6, 2010 Business Session.

PUBLIC HEARINGS

2010-25 CAPITAL ORDINANCE PROVIDING FOR THE ACQUISITION OF REAL PROPERTY BLOCK 8 LOT 14 SUBJECT TO PERFECTION OF THE SUBDIVISION DEED, APPROXIMATELY 27.59 ACRES LOCATED ON CLARKSVILLE ROAD AND OTHER RELATED EXPENSES IN THE TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER, STATE OF NEW JERSEY APPROPRIATING THE AMOUNT OF \$1,385,000

President Ciccone opened the public hearing.

Ms. Leslie Brecknell, 36 Ellis Drive, Belle Meade, expressed her support for this purchase and noted that this would slow down pollution, growth, and prevent stormwater runoff.

Ms. Sandra Shapiro, 15 Wycombe Way, urged Council to vote in favor of the acquisition and spoke about the importance of keeping the Delaware and Raritan Canal Commission.

Mr. Andrew Kulley, Trustee of FOWWOS, 6 Jill Drive, urged the adoption of this very important parcel of property and noted its ecological value.

Ms. Alison Miller, President of FOWWOS, 41 Windsor Drive, urged the adoption of this ordinance and also noted her support of a resolution for the Delaware and Raritan Canal Commission.

Mr. Mark Shallcross, 12 Jeffrey Lane, advised of his support for this purchase.

Mr. Robert Murray, 20 Lorrie Lane, endorsed the adoption and acquisition of the JCC property for open space.

Mr. Arthur Harvey, 8 Berrien Ave., read a letter from Division of Wildlife into the record.

Mr. David Siegel, 17 Berrien Ave., urged approval of the purchase.

Mr. John Sabino, 35 Zaitz Farm Road, urged a positive vote and spoke of the cost for the parcel. He advised that County funding could be jeopardized if Council waits to purchase the property.

Mr. Borek thanked Mayor Hsueh for negotiating a reduced purchase price and acknowledged that Council does want to acquire open space. He advised that the process needs to be amended for future purchases of open space.

Ms. Geevers noted that her concern was with the price of the property. She recommended consulting with a commercial broker for future open space acquisitions.

Mr. Morgan advised that Council approved Administration to go forward with negotiating the purchase price for the JCC property and then changed what the Council expected to pay for the property. He expressed his displeasure with the process.

Mr. Khanna commended Administration for the preservation of open space. He noted that the procedure for negotiating was acceptable.

President Ciccone acknowledged that she is a supporter of open space and preserving the rookery located on the JCC parcel. She suggested looking for avenues to change the procedure for purchasing open space.

Mayor Hsueh noted that he was pleased to hear positive responses from the community regarding the purchase of this property and advised that he has been working on negotiations for some time and timing is important to receive County funding.

Motion to close public hearing: Morgan

Second: Khanna

RCV: aye Borek
aye Geevers
aye Khanna
aye Morgan
aye Ciccone

Motion to adopt: Morgan

Second: Khanna

RCV: aye Borek
aye Geevers
aye Khanna
aye Morgan
aye Ciccone

2010-26 ORDINANCE AUTHORIZING A CONTRACT TO ACQUIRE
REAL PROPERTY BLOCK 8 LOT 14 SUBJECT TO PERFECTION
OF THE SUBDIVISION DEED, APPROXIMATELY 27.59 ACRES
LOCATED ON CLARKSVILLE ROAD (OPEN SPACE) FROM
THE JEWISH COMMUNITY CAMPUS OF PRINCETON
MERCER BUCKS 4 PRINCESS ROAD, LAWRENCEVILLE NEW JERSEY

President Ciccone opened the public hearing.

Mr. Morgan advised that Council is governed by the power of the people as much as for the people and noted that volunteers are incredibly important.

Motion to close public hearing: Khanna

Second: Geevers

RCV: aye Borek
aye Geevers
aye Khanna
aye Morgan
aye Ciccone

Motion to adopt: Borek

Second: Geevers

RCV: aye Borek
aye Geevers
aye Khanna
aye Morgan
aye Ciccone

2010-R256 Authorizing the Mayor and Clerk to Execute a
Settlement Agreement with InterCap Inc.

Mr. Herbert distributed the settlement documents and outlined the litigation process to date. He noted that if the settlement is approved, it would need to be reviewed by Judge Feinberg at a "Fairness Hearing." Mr. Herbert explained that this lawsuit began as a Mount Laurel complaint in anticipation of receiving some repose for the Township.

Mr. James Constantine, the Planner for InterCap, provided an overview of the concept plan.

Mr. Madden and Mr. Muller both provided very favorable comments about the concept plan.

Mr. Davies noted that it was a key design principle for the promenade to allow pedestrians to be the priority over vehicular traffic in utilizing the area. He advised that road connections will allow traffic to go around the promenade area.

Mr. Herbert noted that the average residential unit will have two bedrooms and will not generate a lot of school-age children.

Ms. Geevers inquired about the possibility of adding a library into the concept plan for the redevelopment area.

Mr. Muller noted that these types of determinations are made at the Planning Board level.

Mr. Morgan inquired about the location of the housing and asked whether the retail or the housing will be constructed first.

Mr. Hoff, Attorney for InterCap, noted that the promenade and the housing will be built in phases along with the retail.

Mr. Morgan asked about adding a fire and police substation and spoke about the affordable housing risks for this area. He advised that the "Fairness Hearing" will get the Township the required affordable housing which will not exceed the total of 800 units.

Mr. Khanna inquired about the "green culture" within the district, and square footage of the retail space.

Mr. Constantine advised that the design is a transit oriented development located near a train station to entice bike and pedestrian commute. He also explained that the concepts for the buildings will be incorporated as recommended by the ordinance that will be adopted by the Council. Mr. Constantine explained the layout of the retail space.

President Ciccone spoke of the differences between the redevelopment plan and the settlement agreement and provided general comments including the affordable housing obligation.

Mr. Morgan spoke of the affordable housing and growth share. He explained the methodology of deriving the housing number requirement. He explained that the market housing units subsidize the cost for amenities. Mr. Morgan advised that a small portion of housing in the redevelopment area would not make it affordable to build the plan.

Ms. Sandy Shapiro, 15 Wycombe Way, was concerned about the road connections, bicycle and pedestrian thoroughfare, and the lack of professional offices and a day care for children.

Mr. Bob Akens, 32 Windsor Drive, inquired as to the Council's motive for settlement.

Mr. John Church, 11 Princeton Place, advised that the area is not suitable for housing and traffic would be a great concern. He suggested that a financial analysis be completed.

Mr. Andrew Kulley, 6 Jill Drive, advised that potential development in the other surrounding district was not considered.

Mr. Joseph Priory, 116 Village Boulevard, representing the landowner at 70 Washington Road, advised that the Township did not have the legal criteria for redevelopment.

Mr. Tom Tonon, 11 Bolfmar Avenue, asked the Council to vote against the settlement agreement.

Mr. David Siegel, 17 Berrien Avenue, urged the Council to not take a vote tonight because more details are needed about the concept plan.

Ms. Alison Miller, 41 Windsor Drive, spoke about the affordable housing and urged Council to better review the issue along with the parking in the area.

Mr. Jerry Foster, President of the Bicycle and Pedestrian Alliance, noted that the shared use concept in the promenade is very walkable although it may not be good for bicyclists. He suggested having parking for bikes in the area.

Motion to extend the clock one hour until 12:00 a.m.: Morgan

Second: Khanna

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

Mr. Michael Perciali, 114 Washington Road, noted his support for the project and outlined a few points of concern.

Mr. Guy Pierson, 241 Fisher Place, explained his concern about the main street around the promenade and the effect traffic will have on the surrounding districts within the redevelopment zone.

Mr. Bob Murray, 20 Laurie Lane, noted that the Township has the right talent to get the job done and asked the Council to make it happen.

Mr. Alvin Lerner, 67 Rainflower Lane, noted that he was in favor of authorizing the settlement agreement.

Ms. Janet Lerner, 67 Rainflower Lane, advised that she looks forward to the plan being built because it will enhance the quality of life.

The consultants answered all the questions addressed by the residents.

Mr. Borek advised that Council has the task of finding a solution and has done due diligence in seeking solutions and answers.

Ms. Geevers asked when the public will have the opportunity to review the ordinances discussed this evening.

Mr. Muller advised that the public will have the opportunity to review the ordinances throughout the Planning Board process. He also informed Council that the design of the thoroughfare around the promenade is not an option for debate. Mr. Muller noted that Council can offer suggestions to the developer.

Mr. Morgan advised that he is satisfied that the Council had done their homework with regard to the settlement. He informed the residents that not a lot has changed from the original redevelopment plan, although vast improvements have been made. Mr. Morgan commented that 800 units is all the housing that the Township is going to get in that district and some of the items the residents requested to be added to the settlement agreement are not open for consideration.

Mr. Khanna advised that this is only a concept plan. He spoke of the hard work that went into both the redevelopment plan and the settlement agreement. Mr. Khanna inquired about the necessity for a timeline for the project.

President Ciccone explained that this is a balancing act to be able to achieve what is best for the community. She advised that "grey water" should have been considered into the plan for use at the community garden. Ms. Ciccone also noted her concerns with the shared space concept plan and ensuring the safety of the residents.

Motion to extend the clock ten minutes until 12:10 a.m.: Morgan
Second: Khanna
VV: All ayes

Mr. Hoff advised that his client cannot give on the addition of bike lanes to the promenade because it destroys their vision of a common area. He noted that the promenade is a key marketing component.

Discussion ensued about the thoroughfare around the promenade.

Motion to extend the clock twenty minutes until 12:30 a.m.:

Morgan

Second: Borek

VV: All ayes

Mayor Hsueh noted that tonight's presentation is the outcome of the redevelopment plan vision. He advised that few changes from the original plan have been made, and assured the residents that a financial impact study would be completed at the Planning Board level. Mayor Hsueh spoke of the Town Center as the identity of the West Windsor Township.

Mr. Hoff advised that the process for creating appropriate standards would take time to review through the Planning Board's ordinance review process. He again stressed that his client will not amend anything in the settlement agreement.

Motion to approve Resolution 2010-R256: Khanna

Second: Borek

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

PUBLIC COMMENT

Mr. Tom Tonon, 11 Bolfmar Avenue, noted his disappointment in the approval of the settlement agreement.

ADJOURNMENT

Motion to adjourn: Morgan

Second: Khanna

VV: All ayes

The meeting was adjourned at 12:32 p.m.

Sharon L. Young
Township Clerk
West Windsor Township