

APPROVED AS AMENDED: February 2, 2009

WEST WINDSOR TOWNSHIP COUNCIL
SPECIAL WORK SESSION VI - Draft Redevelopment Plan
December 1, 2008

CALL TO ORDER: President Morgan called the meeting to order at 7:00 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 and Princeton Packet; filed with the Clerk of the Municipality; and posted in the West Windsor Township Municipal Building at North Post and Clarksville Roads on November 25, 2008.

ATTENDEES: President: Morgan; Vice President: Kleinman; Council: Anklowitz, Borek (arrived 7:18 p.m.), Geevers; Mayor: Hsueh; Business Administrator: Marion; Township Attorney: Herbert; Township Planning Board Attorney: Muller; Township Planning Consultant: Madden; Township Traffic Engineer: Davies; Deputy Township Clerk: Huber

SALUTE TO THE FLAG

Ms. Huber led the salute to the flag.

PUBLIC COMMENT

Mr. John Church, 1 Princeton Place, suggested that the parking garages be handled as a separate piece. Mr. Church noted that Vaughn Drive was to be a throughway and not a Main Street and that the initial proposal of revamping Route 571 has been lost. He voiced his opposition to the InterCap site proposed development and he advised that New Jersey Transit is opposed to an additional crossing of the Dinky lines. He noted that it is inconceivable that this project will not affect the taxpayers of West Windsor.

Mr. Al Lerner, 67 Rainflower Lane, noted he does not understand why the Council does not "get" the affordable housing impact with this development. He voiced his opinion on the process to date by Council and voiced his support for the Madden/Davies/Kleinman/Goldin version of the plan.

Ms. Janet Lerner, 67 Rainflower Lane, noted that change is necessary to become a regional area. Ms. Lerner advised that redevelopment will make it better in West Windsor and encouraged Council to move the plan forward.

Ms. Ina Marx, 101 Claridge Court, voiced her support of the redevelopment plan and noted that if progress is going to be made people have to be flexible. She noted that funding will come once a plan is approved by Council.

Ms. Holly Kelemen, 25 Old Bear Brook Road, advised that at the December 8th, 2008 Business Session the Council will receive the Fair Share Plan which includes the ordinance for the Maneely Tract. She voiced her concerns with Project Freedom to include the impact it will have on public services. Ms. Kelemen advised that at meetings held between the developer and the neighbors that buffering and setbacks were discussed which have not been incorporated into the proposed ordinance being submitted as part of the Fair Share Plan.

Mr. Patrick Boyle, 1252 Windsor Road, thanked the Council and Mayor for the open process to date on redevelopment and advised it has been a very thorough process that now needs to be moved forward. He noted that the plan will offer the Township an opportunity to improve the quality of life for all residents.

Mr. Marshall Lerner, 3 Sapphire Drive, noted these proposals failed to have community input, and have more residential without improvements to area roadways. He commended Council for the series of resolutions passed previously that set forth the guiding principles.

Ms. Beth Feehan, 429 Clarksville Road, thanked the Council and Mayor for allowing the public input on the redevelopment process over the past few years. She noted that the agricultural roots and small town feeling should not be lost in this process. Ms. Feehan advised that the Township needs to move the discussion to the next level.

Ms. Joan McGee, Stony Brook-Millstone Watershed Association, Environmental Policy Specialist, advised that she recognizes that the Council and the Township will have to live with this

plan for at least fifty years and hopes that the Township plans carefully. She noted that their concerns are environmental in nature and that all the plans present problems with maintaining the Bear Brook and Millstone rivers. She urged the Township to do more for open space preservation and suggested using the redevelopment plan to help preserve the Sarnoff Woods. She suggested that the last thing to be done would be to set meaningful goals for obtaining and containing environmental sustainability of the plan/area.

Special Work Session to Continue Review of the Draft
Redevelopment Plan Between Council, Administration and Township
Professionals

President Morgan advised that he hopes to finalize the plan this evening.

Mr. Ankowitz advised that he has spoken with Mr. Herbert and requested a closed session on COAH and potential litigation.

Mr. Herbert advised that COAH regulations could be discussed in closed session because of the potential litigation.

Ms. Geevers suggested additional language be added to the redevelopment plan where Mr. Muller feels it is appropriate: that within the redevelopment area all State Statutes required for Affordable Housing COAH obligations shall be met by the landowner or redeveloper within the project site or within the general redevelopment area and should be accomplished pursuant to a landowner agreement between the landowner and/or redeveloper and the Township.

President Morgan agreed with Ms. Geevers and that one way to provide this is to appoint a Master Redeveloper. He also noted that the Township will meet its Fair Share obligation for affordable housing.

Mr. Herbert advised that the Township has received a letter from InterCap Holdings' Attorney about potential litigation and advised that a closed session is applicable.

Motion to go into closed session at 7:40 p.m.: Anklowitz

Second: Borek

RCV: aye Anklowitz

aye Borek

NAY Geevers

aye Kleinman

NAY Morgan

CLOSED SESSION

Ms. Huber 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 potential litigation.

MEETING RECONVENED

Meeting reconvened at 8:22 p.m.

Ms. Kleinman advised that the Council has worked for two years on the redevelopment plan and that the proposal she is going to read into the record is a compilation of the three plans (RMJM Hillier, InterCap, and the Township Professionals). She noted that RMJM Hillier has written a seventy-five page long document and that members of Council have spent hours reviewing every

word of the plan. Ms. Kleinman noted that the most difficult part of this plan is making it comprehensive enough to send to the Planning Board for their review and public discussion.

District 10 - Sarnoff Corporation - already approved plan, and Sarnoff Corporation has the right to build that plan. On Township-owned land the height of potential buildings should be raised to increase funding sources to possibly purchase the Sarnoff Woods for open space. Sarnoff will have to solve their affordable housing obligation.

District 9 - small piece of Township property - currently the school bus depot. This property is a vital connection of the plan to connect the east and west sides especially for pedestrian/bike access over the tracks. Within this district is one of the worst intersections in town (Wallace Road/Cranbury Road/Route 571) and the additional land will help to improve the roadways. To help obscure the power plant, plant trees and make this site a public park.

District 8 - the power station and Wallace Road parking lot. Goals are to improve traffic circulation, parking remains the same, pedestrian crossings, and use of land to ameliorate the view of the parking lots. Need to address storm water issues, and would use the surface parking for an extended Kiss and Ride.

District 7 - Route 571 from Wallace Road to Alexander Road. The overlay ordinance that was approved a year ago stays in place for this area. Housing was not included but will be included within the redevelopment plan. A key component would be to have paths through the Crawford Woods for pedestrian/bike traffic.

District 6 - left and right of Vaughn Road that currently exists, some property belongs to West Windsor and the other is New Jersey Transit. Currently property is zoned for office and parking. If parking garages are built elsewhere this land could be utilized for something else. A limitation of three stories and a possible hotel conference center for the future. Would allow up to five stories and would use the top two floors as a way to pay for the Sarnoff Woods. Affordable housing obligation created would have to be built on the property.

District 5 - Vaughn Drive has been moved to the outside of the area and is a connective street. Currently has one business on it and the district is in the flood plain. In the future if the business relocated would like it to be made into a park. The Township would like to possibly purchase this property in the future. Use one district to support other.

District 4 - property is up against the Dinky lines owned by New Jersey Transit, excellent place for a parking garage. Zoned for retail/office buildings that would come up to the street line. Three stories high for structures in this area. The affordable housing, obligation for this property would be New Jersey Transit's responsibility.

Mr. Madden advised that the parking in District 4 would serve commuters and that the redevelopment plan should state that if there is an affordable housing element, that the Township would not be obligated to pay for affordable housing but that the State should be obligated to provide for this.

District 3 - westside of the train tracks along Route 571 on the left side. Important to leave a visual openness in this area since this will be the gateway to the promenade. Three-story high structures with four stories possible with development rights.

District 2 - currently Station Drive, would like this area for a parking garage in the future. Four-story building/five-story parking.

District 1 - InterCap Holdings site, 25-acre site and the Township is requesting that this be the public space to include art events, farmers market (office/storage/restroom facilities to make this area work). 50,000 square foot promenade and would be the center of downtown, in addition to 72,000 feet of retail. The housing component would be 500 market units and this would generate an affordable housing number that would be set by the current COAH regulations. All roadway improvements would be the developer's responsibility in this area. Off-street parking required and buildings are four stories high. Six square blocks around the civic space. Proposing ten percent could be for office use. Prefer to have a variety of office/retail/ etc. Any

obligation that the office space would have with COAH would have to be resolved on this site.

Ms. Kleinman noted that she would like to vote on the proposal this evening and requested a second to her motion. She advised that to send a plan that has too many holes in it does not help the Planning Board to do their due diligence.

Mr. Anklowitz noted that if the plan did not specify a specific number of residential units he would be able to vote for it. He noted that the public has been very clear that they did not want to see a large number of residential units within this area. Mr. Anklowitz advised that if the number was left out and negotiated at the time of a redevelopment agreement he would support the proposal. He noted he would like to find a way to move this forward.

Ms. Kleinman advised that according to the Township professionals, 500 market rate units would generate 160 affordable housing units. She is proposing a 30% reduction from the initial proposed 1,000 units. Ms. Kleinman advised that she cannot propose a plan that is not economically feasible.

Ms. Geevers inquired if by leaving the number out does this open the Township to litigation.

President Morgan advised that the Township must approve a redevelopment plan in order to protect the Township for two reasons. The first being redevelopment gives the Township additional legal powers, and advised that the Township will receive additional credits for building affordable housing within a redevelopment zone.

Motion to adopt Ms. Kleinman's proposal: Kleinman
Second: Geevers

Mr. Anklowitz again suggested eliminating the number of housing units and that he could then support Ms. Kleinman's proposal. He again voiced his concern with the density of the housing and the improvements needed on roadways to handle the additional traffic. Mr. Anklowitz inquired if Ms. Kleinman would leave out the housing component number.

Ms. Kleinman advised that the Township professionals are telling her that a number must be part of the plan and unless the professionals advise her otherwise she cannot change her motion.

Discussion continued between members of Council and the professionals regarding affordable housing, the number of housing units to make the area financial feasible, and the type of amenities, and how they will be paid for by redevelopers within the project area.

Motion to take a ten minute break at 9:35 p.m.: Anklowitz
Second: Geevers
VV: All approved.

Meeting reconvened at 9:47 p.m.

Mr. Anklowitz noted that the current motion is for 500 market rate units, plus the COAH obligation. Council could vote on that motion and if it does not pass then he would make a motion to start with a base of 350 units to be determined by a fiscal, economic and financial analysis and would be defensible in Court, per legal counsel.

Ms. Kleinman advised that she will not change her opinion on the number needed for the project. She noted she would like to vote on it this evening.

Ms. Geevers inquired what number the professionals feel is economically viable.

Mr. Madden advised that he based his 500 number per the State plan formula.

Discussion continued with regard to the viable number for housing units within the project and who will pay for the amenities.

Mr. Herbert advised that a compromise of 350 units would be acceptable.

Mr. Anklowitz inquired if Mayor Hsueh was comfortable with 350 units.

Mayor Hsueh advised that there has to be a strong justification for the number of units that the Township can stand behind.

Ms. Geevers inquired if the 350 unit number includes affordable housing units as well.

Mr. Anklowitz advised that it is a total of 350 units which would include affordable housing units.

Motion to amend the main motion to change the number of housing units to a total of 350: Geevers

Second: Anklowitz

RCV: aye Anklowitz

aye Borek

aye Geevers

NAY Kleinman

NAY Morgan

Discussion ensued regarding what amenities will be supported with 350 units and the attorney's ability to defend this number of units in court.

Motion to adopt Ms. Kleinman's proposal with 350 housing units subject to fiscal, economic, infrastructure amenities by the redeveloper: Anklowitz

Second: Geevers

RCV: aye Anklowitz

aye Borek

aye Geevers

NAY Kleinman

NAY Morgan

Ms. Alison Miller, 41 Windsor Drive, advised that the West Windsor Parking Authority is concerned about the Kiss and Ride on the westside and asked when will the Parking Authority be able to sit with the Planning Board and the Township Council to voice their opinions.

President Morgan suggested that in the plan the West Windsor Parking Authority is a party to negotiate parking.

Mr. Davies advised that he has been in contact with New Jersey Transit and that a meeting among the various groups should be scheduled in the near future.

Mr. Herbert advised that the Parking Authority could have input at the Planning Board level.

Mayor Hsueh noted that New Jersey Transit has to resolve the issue of parking along with our consultants and the Parking Authority for the finalization of the redevelopment plan.

Mr. Herbert advised that permissible uses have to be set within the draft plan.

Mr. Muller advised that his instructions from Council are to change the text and prepare coinciding ordinances for the December 8th Business Session.

PUBLIC COMMENT

Mr. Al Lerner, 67 Rainflower Lane, advised that he feels that InterCap Holdings, Inc., will still sue the Township.

Mr. David Siegel, 17 Berrien Avenue, voiced his opposition to accepting a redevelopment plan without having a financial analysis prepared.

Mr. Bob Akens, 32 Windsor Drive, advised that he has not heard that Sarnoff Corporation is interested in transferring a portion of their property. He noted his concern with five-story buildings as part of the redevelopment plan.

ADJOURNMENT

Motion to adjourn: Anklowitz

Second: Borek

VV: All approved.

The meeting was adjourned at 10:35 p.m.

Sharon L. Young
Township Clerk
West Windsor Township