

West Windsor Township Planning Board

Minutes – Regular Meeting

February 7, 2018

The regular meeting of the Planning Board was called to order at 7:00 p.m. on Wednesday, February 7, 2018 by Chair O'Brien in Meeting Room A of the Municipal Building.

STATEMENT OF ADEQUATE NOTICE

Pursuant to the Sunshine Law, a notice of this meeting's date, time, location and agenda was mailed to the news media, posted on the Township bulletin board and filed with the Municipal Clerk as required by law.

ROLL CALL AND DECLARATION OF QUORUM

Present: Anis Baig
 Linda Geevers
 Curtis Hoberman
 Michael Huey
 Andrea Mandel
 Hemant Marathe
 Gene O'Brien
 Simon Pankove

MINUTES

- a) July 26, 2017 - deferred to next meeting
- b) January 3, 2018 - deferred to next meeting

CHAIRMAN'S COMMENTS AND CORRESPONDENCE

Chair O'Brien stated that the draft reexamination report (2.0) has been distributed to the Planning Board members. Also provided is a memorandum from the Planning consultant highlighting the proposed amendments. The meeting on February 14th has been canceled so the second draft will be reviewed at the February 21st meeting. He stated that final action may take place on March 7th.

PUBLIC COMMENT

There were no comments by the public.

LIAISON REPORTS

Environmental Commission - No report was provided
Affordable Housing - No report was provided.

APPLICATION

- a) **PB16-12**
Bear Brook Homes LLC
Preliminary Major Subdivision
106 and 110 Bear Brook Road
Block 9, Lot 55 and 56
Property Zoned: R-3A District

G. Muller, Esq., legal counsel for the Board, stated that proof of notice is in order and the board has jurisdiction.

Christopher Tarr, Esq., legal counsel for the applicant, stated that this project has evolved since review began by SPRAB. The proposal is now for seven single family homes and three townhomes, two of which will be affordable units. The lot coverage for the three townhomes is the primary variance and this is because they wanted to provide for more parking. During SPRAB review parking was an on-going issue. The RSIS requires 28 spaces and 36 spaces are proposed.

Steven DeRochi, architect/applicant and Catherine Mueller, engineer for the applicant, were sworn in. L. Geevers referenced the email dated 2/2/18 from the Affordable Housing Chairman and stated that the Affordable Housing Committee has concerns about the size of the units noting that it appeared the size does not comply with code, it was not clear that these units are suitable to meet the barrier free requirement; and, because two units do not have garages, this leaves the affordable units with considerably less storage space. Mr. DeRochi stated that there are many environmental constraints on this property and less than one third is buildable so he is proposing 10 units located at the front of the property; they are out of the DRCC zone and the wetlands area. The land in the rear is wooded and the front piece is farmland so a simple cul-de-sac is proposed. He referenced sheet 3 and stated that pie shaped lots are proposed by the bulb of the cul-de-sac; all of the homes including the townhomes have front porches for a sense of community; and private space in the rear of each home is provided. Mr. DeRochi stated that walls are proposed between the lots in the rear of the parcel; and windows within the walls were suggested by SPRAB, but this is against building code so this may not be proposed. Mr. DeRochi advised that the three townhomes will be designed to appear as a single family home, it will be almost the same square footage as a single family home and it will be the same length. One central issue is that the affordable housing units are designed to be the minimum of what is required by COAH. Lot 2 has a 750 sf two-bedroom unit, which is slightly larger than the code requires for a townhouse; but, when coverage and FAR requirements are applied, it results in a 35% FAR. He stated that, when driveway coverage is included in this calculation, this impacts the FAR. For the unit to be ADA compliant a bedroom and bathroom are required on the ground floor, and this impacts the total square footage of the home. The net result is a living space on the ground floor that is small and this is the specific comment from the Affordable Housing Committee. Mr. Surtees asked the percentage of FAR for Lot 2. Mr. DeRochi stated that it is 35% which is the maximum permitted. Mr. Surtees stated that if the FAR is increased, then the Zoning Board would be the board of jurisdiction on this proposal. Sam Surtees, Land Use Manager, was sworn in. Mr. DeRochi stated that he will do some resizing of the lots so an FAR variance will not be needed, and the townhouse can be expanded in size. S. Pankove asked if the townhomes can be placed on a different lot. Mr. DeRochi stated that he needs to review this, but he is comfortable with where they are proposed.

Joseph Burgis, planning consultant for the board, stated that the variance may go away with the lot size

adjustment; and the Planning Board would be the board of jurisdiction pending confirmation of those findings. Mr. Muller stated that the lot size change is not a major change and this can be done through resolution if the project is approved. Mr. DeRochi advised that a homeowners association will be responsible for maintenance. One agreement will be in place for the single family homes and another for the townhomes. Regarding garages for the affordable units, this is not proposed because construction would be even more challenging. He advised that firewalls are proposed to separate each unit. Mr. Surtees stated that the garage parking space tends to be larger than an exterior parking space. Mr. DeRochi stated that a parking space on the lot may be proposed for the affordable units instead of a garage.

Ms. Mueller provided information on the open space lot (lot 55.11), that lot is 6.47 acres in size and it is located in the rear of the property. The smaller lot proposed for accessing the open space (lot 55.12) is unbuildable and will be dedicated to the Homeowners Association. The zoning layout all complies in respect to lot areas and lot setbacks. Lot 55.02 is not compliant with the MIC standards but all other lots are compliant; 40% is proposed; the increase is attributable to the parking area. There are also variances associated with the open space lots in relation to lot frontage and lot area. She advised that no development is proposed in the flood plain; there are some improvements proposed within the flood hazard area, but these are permitted. She presented the parking calculations and stated that 28.1 parking spaces are required. A two-car garage and a double wide driveway is proposed for each single family home. For one of the townhomes, a garage and a driveway parking space is proposed. Two parking spaces in the common property space for the two other townhome units as well as the six on-street parking spaces are proposed. She advised that soil tests were done; and permeable sandy soils were found; so the grade was raised for the stormwater management system. The result is clean water travelling towards the rear of the site.

Ms. Mueller described the parking and stated that three parking spaces are proposed along the egress side of the road and she referenced Sheet #8 offering a clearer detail. 78 feet is set aside for the three parking spaces; but this area will not be striped to separate the individual spaces as per the request of SPRAB. Three additional parking spaces are proposed in the bulb of the cul-de-sac. S. Pankove stated that six on street parking spaces are proposed and asked if this is enough for guest parking for the three townhouse units. Ms. Mueller stated that there are no parking restrictions on Greyllynne Drive in the development across Bear Brook Road; and the overflow parking could occur there. Sidewalk connections including a pedestrian walkway and a crosswalk on Bear Brook Road are proposed. S. Pankove asked if sidewalks are proposed for the entire development; and Ms. Mueller responded that they are. A. Mandel asked where maintenance vehicles would park when servicing someone's home, Ms. Mueller stated that all of the homes have space in their driveway and there is on street parking. L. Geevers asked if Greyllynne Drive is a private or public street. Mr. Surtees advised that it is a public street. Ms. Mueller stated that utility connections for sewer and water exist on Bear Brook Road; so this development will tie in with that system. Ms. Mueller advised that a fire hydrant is proposed at the entrance to the cul-de-sac. She stated that Mr. Yates was okay with the proposed location.

Ms. Mueller stated that the property was a farm; so it creates a lot of runoff; and she described the proposed system for stormwater management and treatment. The soil is permeable so the water from the front of the site will be directed towards the rear of the site and a second system is designed for the spillways. Inlets are proposed in the front yards to drain so the water flows will drain into the basins. Regarding lighting, L. Geevers asked if lights should be on both sides of the road. Mr. Surtees stated that light glare is a concern.

The following Township professionals were sworn in. Francis Guzik, Municipal Engineer; Joseph Burgis, Planning Consultant; Chris Jepsen, Environmental Consultant; Daniel Dobromilsky, landscape architect and James Kochenour, traffic consultant.

Mr. Guzik stated that as per ordinance, typical lighting is not provided for utilitarian needs, the lights are only required in the bends of the road when it is within a cul-de-sac. This approach minimizes the light pollution. He stated that the applicant is requesting the cul-de-sac island be maintained by the Homeowners Association but the remainder of the road is to be maintained by the Township. Mr. Guzik asked if the street will be a private street since there is open space lands being dedicated and the Township would require access to the open space lands through an easement.

L. Geevers asked about flood hazard insurance. Ms. Mueller stated that this will not be required because development is outside of the flood hazard area. The peak runoff and volumes are not being impacted with this development. Regarding the sight lines, she advised that there is a 450 foot sight line in each direction. C. Hoberman asked if the location of the fire hydrant on Bear Brook Road would impede traffic in the case of fighting a fire. S. Pankove stated that he has concerns about emergency vehicles entering the site. Ms. Mueller stated that the vehicles can enter the site, fight the fire and then leave. The drive is designed for a 47 foot fire truck; and S. Pankove stated that he believes the length of the truck may be 53 feet. The width of the road around the bulb of the cul-de-sac is 24 feet which is not sufficient for two-way traffic. Mr. DeRochi stated that one way, counter-clockwise traffic is proposed around the bulb. Chair O'Brien asked if signage is proposed to direct people around the cul-de-sac. Ms. Mueller responded that this is not proposed. Mr. Kochenour stated that no more than one sign is recommended but he is unsure if a sign is needed. C. Hoberman agreed and stated that there should not be much traffic in this development.

Mr. DeRochi referenced the landscape plan (Sheet L1) and stated that due to the conditions of the soils hedges are proposed along Bear Brook Road in addition to a six foot tall fence. He advised that they are asking for a waiver for the fence. Mr. Muller stated that this would be a variance. Mr. Kochenour requested that the fence be outside of the sight triangle. Ms. Mueller confirmed that it is. Mr. DeRochi stated that the fence is four feet tall with 2 feet of lattice. S. Pankove asked that the homeowners association maintain the landscaping and asked about the river stone near the fence line. Mr. DeRochi stated that a sight line study was done including a rendering showing how landscaping placed in the front buffers the view of the development from the roadway (Exhibit A-1). Mr. Tarr stated that as per ordinance, a six foot tall privacy fence is proposed on the property line extending six to eight feet past the back of the home for each developed parcel. This fence is to be maintained by the homeowner and this would be included in the deed. Mr. Surtees stated that fences are permitted if a homeowner applies for this. Mr. Dobromilsky stated that the rear of the homes offer a patio space and this requirement creates privacy, typically most patio homes are not a radial design and much tighter than this design. Code envisions a fence for patio homes, not larger single family homes. L. Geevers questioned the need for a privacy fence and she asked for photographs showing how this would appear. Mr. DeRochi stated that if a fence is installed, the design and materials for the fence will be determined by the applicant. Mr. Tarr stated that the design restrictions for the fence will be included in the deed.

Mr. DeRochi described the style of the homes as being a farmhouse design with gabled roofs and clapboard siding. He presented a rendering on his laptop (Exhibit A-2) and Mr. Surtees requested a copy of this for the file. Mr. DeRochi stated that the designs are on a traditional scale and based on

historic models.

A. Mandel noted concern about a six foot fence along the roadway. Chair O'Brien reiterated that a four foot fence with a two foot lattice on top is proposed. Mr. Dobromilsky stated that this is the same design as another development down the road; the style of fence was presented at SPRAB and a 4'8" picket style with 1'4" lattice. The fence will be vinyl, tongue in groove style and cut sheet of the fence (Exhibit A-3) was presented for the Huntington Accent fence. The colors being considered are white or almond; SPRAB recommended almond.

C. Hoberman asked if the aesthetic covenants are in place for the development. Mr. Tarr stated that the basics such as clotheslines will not be permitted in the front yard. Mr. DeRochi noted that the siding for each home will be their own individual color. Mr. Tarr stated that the covenants will not permit the siding be painted to another color for consistency; and the privacy fences between each lot will be a six foot tall solid fence.

Mr. Burgis asked the applicant to provide proof of benefit if the variance is granted. He advised that relief is needed for the six foot tall fence on property lines and he requested more detail about the proposed fence along Bear Brook Road. Mr. DeRochi stated that he wants to provide as much screening as he can and a six foot fence is better than a four foot fence. He stated that there is no substantial impairment in the intent of the zone plan and the master plan and there is no detriment to the public good. Mr. Tarr stated that the fence line does not cause any harm in term of the sight lines.

Chair O'Brien stated that the parking for the townhouses do not satisfy code as per Item F(2) since 7.1 parking spaces are required. The residents of the townhouses will not have sufficient parking spaces on their property and may be required to park on the street or by the bulb at the end of the cul-de-sac. Mr. Tarr stated that two parking spaces are provided for each townhome and further discussion is needed. L. Geevers asked how the cars are parked in the driveway, she asked if they are side by side or one in front of each other. Ms. Mueller responded that they are one in front of each other.

Chair O'Brien asked if the infiltration basins will be the responsibility of the homeowners association. Ms. Mueller confirmed this.

The report from the Township Engineer dated January 16, 2018 was referenced.

Item 1.01a, he stated that he has no objection to granting this waiver because this is not a major development. He requested information provided at the time of construction.

Item 1.05 pertains to the infiltration basins on lot 55.01 and 55.10, a homeowners association must be established consisting of property owners within the entire development.

Regarding Item 1.06, he advised that the metes and bounds descriptions for the easement areas must be submitted to his office for review and approval. Item 2.01, he recommended a geotechnical consultant be retained based on the amount of fill proposed. Item 2.02, a design waiver for the diameter of the landscaped island within the cul-de-sac is required and the applicant must provide testimony in support of this waiver request.

Regarding stormwater, Item 3.02 relates to the design of the system and Mr. Guzik recommended a

feature for the sidewalk design along the edge of the road; it has to be structurally reinforced so water can flow under the sidewalk and into the basin. That part of the sidewalk will be a part of the responsibility of the Homeowners Association. Item 3.03, the maintenance manual is missing information and the manual must contain all information provided in the draft manual. Item 3.05 relates to the rear yards of lots 55.07 through 55.10. To prevent drainage problems small berms and swales are proposed; and, because the swales cross multiple property lines, they should be covered by a drainage easement.

Chair O'Brien asked if all utilities will be underground installation. Ms. Mueller confirmed this.

Mr. Guzik identified all of the miscellaneous comments in Section 5, and stated that they are all standard conditions of approval.

The report from Arora and Associates dated 1/10/18 was discussed. Mr. Kochenour stated that all comments raised have been satisfied with the exception of the off tract contribution. This could be a condition of approval. Regarding parking, while the numbers of parking spaces required are precise, knowing the parking demand is difficult for a residential subdivision. The parking requirement for seven single-family detached homes and three townhomes are three spaces for each home and for the three townhomes seven spaces are required. He stated that based on his experience on a day-to-day basis what the applicant is providing will most likely serve the parking needs for the residents in this development. Garages are not always used to house vehicles and if there are enough people who don't park in their garage then the street parking demand elevates. The parking dynamics will be known after the people start moving in. There are seven single-family homes with five bedrooms each, he asked if they are starter homes and asked the target demographics. Mr. DeRochi stated that these are not starter homes. Mr. Kochenour stated that families will be there for a longer term and there will be additional parking demands once the children get older, parking will be insufficient during special occasions but there is on street parking in the development across Bear Brook Road.

Chair O'Brien stated that the landscape plans do not show the separation of the driveways for lots 1, 2 and 3. Ms. Mueller stated that they will be separated by lawn. Sheet L1 (Exhibit A-4) was marked up to show the driveway separation lines. Chair O'Brien referenced Section 200-62(b) requiring that the driveways be laid out so you can turn vehicles on the property, he feels that another waiver may be required. Mr. Tarr stated that this is not consistent with anything he has seen in West Windsor and they will be asking for a waiver. C. Hoberman stated that relating to the scale of the smaller units, a large amount of asphalt is proposed for the parking area for only two cars.

M. Huey stated that there are many issues relating to the townhomes. Mr. Tarr stated that eight single family homes were originally proposed but because of the requirement for the town to provide more affordable housing the applicant came up with a plan including affordable housing with the same scale of a single family home. The applicant will reconfigure the layout of the parcel.

Chair O'Brien acknowledged the hour but suggested with a limited more time the Environmental Consultant could render his report and not be required to return for any continuation of the application.

The report from Van Cleef Engineering dated January 16, 2018 was discussed. Mr. Jepsen stated that two-thirds of the property is in a conservation area. The proposal enhances the greenbelt; DRCC permits are required; solar was not considered and this was recommended; and there are not enough

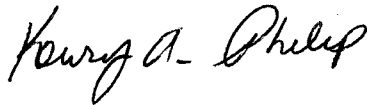
green development designs within this project. Mr. DeRochi stated that he will consider this.

Chairman O'Brien stated that the application will be continued to March 7th. Testimony from the Township landscape architect will be presented at that time and the meeting will be opened to the public. No further notice is required.

Mr. Kochenour advised that he will not be available on that date.

Being that no other business is scheduled before the board, the meeting was adjourned by the Chair at 10:15 p.m.

Respectfully submitted,



Kerry A. Philip
Recording Secretary