

WEST WINDSOR TOWNSHIP PLANNING BOARD  
REGULAR MEETING  
MARCH 13, 2019

The regular meeting of the Planning Board was called to order at 7:05 pm on Wednesday, March 13, 2019 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 on March 6, 2019.

**ROLL CALL AND DECLARATION OF QUORUM**

Sue Appelget  
Linda Geevers  
Andrea Mandel  
Hemant Marathe  
Allen Schectel- Alt I  
Anis Baig-Alt II  
Michael Karp  
Gene O'Brien

Mr. Karp came into the meeting late.

There were no public comments on non-agenda items.

**ORDINANCE REVIEW ON REFERRAL FROM TOWNSHIP COUNCIL:**

Chair O'Brien advised that the ordinances will be addressed in the order that they were provided to the Planning Board and Council in the document referring to the Housing Element & Fair Share Plan. Each of these ordinances were contained in an appendix. The order also coincides with the order of the March 6, 2019 memo by Burgis Associates.

**Ordinance 2019-07: Creation of an RP-12 District**

Chair O'Brien opened the public hearing, no public comments. Mayor Marathe motioned to close the public hearing, seconded by Ms. Geevers. Motion approved by voice vote.

Counsel Muller commented that the ordinances in the Fair Share Plan are the same as the ordinances in the Land Use Element with two exceptions. Ordinance 2019-07 is one of the exceptions. In terms of this ordinance, the only change is the section on signage found on page 6.

Chair O'Brien recited the following change from Burgis Associates March 6<sup>th</sup> memo:

- Page 5, concerning the fence that is being allowed, the second sentence should read "Such a fence" instead of "The fence".

The fourth line on page 5, "buildings" should be "building(s)".

In reference to the height of the fence in this section, Mr. Baig was concerned that this is near the railroad tracks and there is no minimum height requirement indicated.

Mr. Karp commented that that the developer would want the fence as high as possible to minimize inconvenience to residents.

Chair O'Brien suggested deleting "no greater than" before "ten feet high" from sentence two to address Mr. Baig's concern.

Mr. Surtees added that the code allows a fence elsewhere. This is to guarantee a fence at the railroad tracks.

Chair O'Brien asked why this provision is even being put into the ordinance.

Mr. Surtees responded that they worked with the developers all year. The concept plans go with each ordinance and this is what was agreed upon.

Mr. Schectel asked about the architectural style. Ms. Appelget pointed out that Item (9) (a) on page 5 does reflect that the building materials and colors being used are the same as in surrounding buildings.

Item (9) (b) is reinforcement of ten feet for the sound barrier.

Mr. Surtees advised Mr. Schectel that this project is in the redevelopment area. All of the apartments above a commercial redevelopment area requires 20% be set aside for affordable housing. Anything outside of the redevelopment area requires 25%.

Ms. Appelget said that on page 3, Item B (3), 180 residential dwellings was indicated in the 400 Steps of the Housing Element & Fair Share Plan that was just approved. This item will be corrected from 100 units to 180 units.

Mr. Schectel made a motion to recommend adoption of Ordinance 2019-07 with changes discussed and a statement that it is consistent with the recently amended Master Plan. Seconded by Ms. Mandel. Motion unanimously approved, 8-0, by roll call vote.

**Ordinance 2019-08: Amending the Redevelopment Plan for Princeton Junction by Adding a New RP-12 District**

Page 4, (1)(d) under Item H, Landscaping, delete "no greater than" from the first sentence. The second sentence should start with "Such a fence". "Buildings" should be changed to "building(s)" in line four.

A new Item M is being added to make a provision for Pedestrian and Bicycle Circulation.

Ms. Mandel asked for clarification of this provision concerning a comprehensive bicycle and pedestrian circulation plan linking circulation features to adjoining open space. She asked about adjoining sidewalks and roadways.

Mr. Surtees explained that it is a site plan requirement to carry the sidewalk and roadway along Old Trenton Road. He is not sure if they will be able to build and connect to adjacent open space trails because there are agricultural wetlands on the property.

Page 3, Item C, "one hundred (100) dwelling units" should be changed to "one eighty (180) dwelling units".

At the bottom of Page 1, "RP-1 District use regulations" should be "RP-12" District use regulations".

Page 3, Item (7), "on grade" should be "on-grade".

Chair O'Brien opened the public hearing.

Alison Miller, of 41 Windsor Drive, said that Item H (1)(d), the word "only" in the second sentence should come after "required".

Since this was not changed in Ordinance 2019-07, Chair O'Brien suggested leaving it as is.

Mr. Karp made a motion to close the public hearing, seconded by Ms. Geevers. Motion approved by voice vote.

Ms. Appelget made a motion to recommend adoption of Ordinance 2019-08 with changes discussed and a statement that it is consistent with the recently amended Master Plan. Seconded by Mr. Baig. Motion unanimously approved, 8-0, by roll call vote.

**Ordinance 2019-05: Amending the Code of the Township of West Windsor to Create an R-5D District**

Chair O'Brien opened the public hearing, no public comments. Motion made by Mr. Schectel to close the public hearing, seconded by Ms. Appelget. Motion approved by voice vote.

The following changes were outlined on the March 6, 2019 memo from Burgis Associates, Inc.

- Page 3, Item (5), add new Item (e), "Pickleball and bocce courts shall be permitted".
- Page 3, add new Item D (1) and (2), pertaining to "Bicycle and Pedestrian Accessibility".

Counsel Muller suggested that on page 3, Item (5), colons be added after each recreational facility.

Mr. Surtees said that the date on page 1 should be March 18, 2018.

Ms. Geevers pointed out that a period needs to be added at the end of sentence on page 2, Item (6) and page 3, Item (4).

Ms. Appelget made a motion to recommend adoption of Ordinance 2019-05 with changes discussed and a statement that it is consistent with the recently amended Master Plan. Seconded by Mr. Karp. Motion unanimously approved, 8-0, by roll call vote.

**Ordinance 2019-04: Creating an R-5C District**

Chair O'Brien opened the public hearing.

Mr. Kevin Moore, of Sills, Cummis and Gross, representing Garden Homes, addressed Section 200-189.1 B (1)(a). He asked for clarification that the non-residential development fee does not apply to the clubhouse and the managing and leasing office.

Counsel Muller agreed to add language to this section stating that the fees do not apply.

Mr. Moore asked that Item (k), under the Circulation Plan from the Burgis Associates' memo, not be included in the ordinance. He said that this is a rental project with 25% set aside. This is a very high set aside for rental. This requirement creates an increase in the initial installation cost and makes it more costly to maintain.

Mr. Novak agreed to omit the first sentence since that is the issue with cost.

Motion made by Ms. Geever to close the public hearing; seconded by Ms. Mandel. Motion approved by voice vote.

Page 10, Item G (5) will be amended to add "telephone terminal boxes and cable TV boxes".

Page 8, Item E (3), Parking areas, Ms. Appelget asked if a Geo Grid or an acceptable alternative will be required. Mr. Surtees advised that Mr. Yates is going to require this.

Ms. Mandel made a motion to recommend adoption of Ordinance 2019-04 with changes discussed and a statement that it is consistent with the recently amended Master Plan. Seconded by Mr. Schectel. Motion unanimously approved, 8-0, by roll call vote.

### **Ordinance 2019-06: Creating a PMN-1 District**

Chair O'Brien opened the public hearing, no public comments. Motion made by Mr. Karp to close the public hearing; seconded by Ms. Geever. Motion approved by voice vote.

Chair O'Brien recited the following changes outlined in the March 6, 2019 memo from Burgis Associates.

- "Hotels" should be singular throughout the ordinance.
- Page 4, Item K (3), a building height of 55 feet was added.
- Page 3, Item A (5) will be eliminated since it is a duplicate reference.

Page 2, Item B (5), Mr. Schectel suggested a roundabout be mandatory at the intersection of Meadow Road and Carnegie Center Drive. Mr. Surtees advised that if this intersection becomes a four-lane road in the future, there are concerns with a four-lane road going into the roundabout.

Page 4, Item J, Mr. Schectel asked if specific design elements should be mandated. Mr. Surtees said that Mr. Dobromilsky wanted flexibility with respect to design elements.

Page 4, Item F, Ms. Appelget pointed out that "nonresidential" should be "non-residential".

Page 2, C (1), comma after "luncheonettes" in fourth line should be removed.

Page 8, Item (7), Ms. Appelget asked about the requirement of large-pane display windows. Mr. Surtees said that there are regulations for window coverage inside a redevelopment area and a different set for outside a redevelopment area.

Mr. Schectel made a motion to recommend adoption of Ordinance 2019-06 with changes discussed and a statement that it is consistent with the recently amended Master Plan. Seconded by Mr. Baig. Motion unanimously approved, 8-0, by roll call vote.

**Ordinance 2019-02: Regarding the Definition of “Congregate Housing” and Retirement Community Use Regulations**

Chair O’Brien opened the public hearing, no public comments. Motion made by Ms. Geevers to close the public hearing; seconded by Mr. Baig. Motion approved by voice vote.

Page 1, Ms. Geevers asked if “small restaurant” is defined. Mr. Surtees said that this is left up to the developer.

Ms. Appelget asked if there is a definition of studio apartment, kitchen vs. kitchenette, and dwelling unit. Chair O’Brien said that kitchen/kitchenette has to have a cooking element.

Ms. Geevers asked about the age of “older” persons referenced in “Congregate Housing”. Mr. Novak said that 200-194 B outlines the age restriction.

Page 1, “Congregate Housing”, Ms. Geevers suggested for clarity that the properties associated with the Block and Lots be identified in the ordinance.

Ms. Miller is concerned that without the property names, the ordinance is not clear about the restaurant only being open to the residents of Congregate Care, Bear Creek Senior Living and the Hamlet. The residents at Village Grande were adamant when they came before council that the restaurant not be open to the general public, including them, because they did not want additional traffic.

Mr. Surtees does not agree that the names should be added in the ordinance. If the property is sold, the name will change. He did confirm that Lot 1.01 is “The Hamlet” and Lot 1.02 is “Congregate Care”, which includes “Bear Creek Senior Living”.

It was decided that the property names not be added. However, Mr. Surtees will provide a memo to Ms. Miller for the council meeting, outlining what is in the tax map.

Page 3, Ms. Geevers pointed out that “Village Grand” should be “Village Grande”.

Ms. Appelget made a motion to recommend adoption of Ordinance 2019-02 with changes discussed and a statement that it is consistent with the recently amended Master Plan. Seconded by Ms. Geevers. Motion unanimously approved, 8-0, by roll call vote.

**Ordinance 2019-11: Collection of Development Fees**

Chair O’Brien opened the public hearing, no public comments. Motion made by Mr. Schectel to close the public hearing; seconded by Mr. Karp. Motion approved by voice vote.

The following changes were recited from the Burgis Associates, Inc. memo:

- Page 4, Item (5), Changed "Non-for-profit" to "Not-for-profit".
- Page 7, Item (5), Changed "Recapture" to "Recaptured".
- Page 10, Item C, Changed "Judge of Compliance" to "Judgment of Repose".

Ms. Mandel made a motion to recommend adoption of Ordinance 2019-11 with changes discussed and a statement that it is consistent with the recently amended Master Plan. Seconded by Mr. Baig. Motion unanimously approved, 8-0, by roll call vote.

### **Ordinance 2019-12: Addresses the Requirements of the Fair Housing Act and the Uniform Housing Affordability Controls**

Chair O'Brien opened the public hearing, no public comments. Motion made by Mr. Schectel to close the public hearing; seconded by Mr. Karp. Motion approved by voice vote.

Several of the changes outlined on the March 6, 2019 Burgis Associates' memo were already made. Chair O'Brien summarized the following changes that still need to be made:

- Page 1, fourth "Whereas" clause, the date needs to be added.
- Page 9, Item G (1), Fill in the date, February 27, 2019.
- Page 11, Item (6), Change "Montvale" to "West Windsor".
- Ms. Mandel pointed out that the change made on page 15, Item J (1), Utilities, to include ventilation and air conditioning (HVAC), should also be made in the Summary.
- Page 21, Item B, Amend the definition of "Administrative Agent".
- Page 22 through 24, Item D, Items 3 through 9 renumbered to Items 1-7.
- Page 26, Item H, Change "Monmouth County Headquarters Library" to "Monmouth County Library Headquarters".

Ms. Appelget made a motion to recommend adoption of Ordinance 2019-12 with changes discussed and a statement that it is consistent with the recently amended Master Plan. Seconded by Ms. Mandel. Motion unanimously approved, 8-0, by roll call vote.

### **Ordinance 2019-03: Modifies an Affordable Housing Set Aside Requirement**

Chair O'Brien opened the public hearing, no public comments. Motion made by Mayor Marathe to close the public hearing; seconded by Mr. Schectel. Motion approved by voice vote.

Page 1, Item C, Ms. Mandel suggested adding language that if a subdivision becomes an issue for Affordable Housing, the property would become considered a whole.

Mr. Surtees said that there is an Affordable Housing fee that has to be paid when there is a small subdivision.

Ms. Miller said that she understands this to mean a property that could be sub-divided into 15 units, but the property owner wants to sub-divide one (1) property to avoid the Affordable Housing requirement, this is not permitted.

Ms. Appelget made a motion to recommend adoption of Ordinance 2019-03 with a statement that it is consistent with the recently amended Master Plan. Seconded by Mr. Karp. Motion unanimously approved, 8-0, by roll call vote.

**Ordinance 2019-09: Amends the Redevelopment Plan for Princeton Junction by Modifying Affordable Housing Requirements**

Chair O'Brien opened the public hearing, no public comments. Motion made by Ms. Appelget to close the public hearing; seconded by Mr. Karp. Motion approved by voice vote.

Counsel Muller explained that the Growth Share concept used by COAH was struck down by the courts, but never changed in the Redevelopment Plan. All references to "Growth Share" in the ordinance were eliminated and changed to "20 percent set aside obligation". The deleted language is in brackets and the added language is in bold, throughout the ordinance.

Mr. Schectel made a motion to recommend adoption of Ordinance 2019-09 with changes discussed and a statement that it is consistent with the recently amended Master Plan. Seconded by Ms. Appelget. Motion unanimously approved, 8-0, by roll call vote.

**Ordinance 2019-10: Modifying Affordable Housing Requirements in the RP-3, RP-7 and RP-10**

Chair O'Brien opened the public hearing, no public comments. Motion made by Ms. Appelget to close the public hearing; seconded by Mayor Marathe. Motion approved by voice vote.

No other changes were brought up for the ordinance.

Ms. Appelget made a motion to recommend adoption of Ordinance 2019-10 with a statement that it is consistent with the recently amended Master Plan. Seconded by Ms. Mandel. Motion unanimously approved, 8-0, by roll call vote.

Mr. Surtees announced that the March 20, March 27, April 3 and April 10, 2019 meetings are cancelled.

With no other business before the board, Chair O'Brien adjourned the meeting at 9:08 pm.

Respectfully submitted,

Terri Jany  
Recording Secretary