

WEST WINDSOR TOWNSHIP PLANNING BOARD MEETING
REGULAR MEETING
JUNE 19, 2024

The Regular meeting of the Planning Board was called to order at 6:33 pm by Vice-Chairman Hoberman in Meeting Room A in 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 June 11, 2024.

ROLL CALL AND DECLARATION OF QUORUM

Curtis Hoberman, Vice-Chairman, Class IV
Hemant Marathe, Mayor, Class I
Martin Whitfield, Councilman, Class III
Jyotika Bahree, Class II
Sue Appelget, Class IV
Anis Baig, Class IV
Robert Loverro, Alt. #1

ABSENT: Michael Karp, Chairman, Class IV
Simon Pankove, Class IV
Allen Schectel, Class IV
Pankaj Patel, Alt. #2

TOWNSHIP CONSULTANT STAFF PRESENT

Martina Baillie, Esq., Attorney, Muller & Baillie, P.C
David Novak, PP, Planner, Burgis & Associates
Frances Guzik, PE, Township Engineer

VICE-CHAIRMAN'S COMMENTS

Vice-Chairman Hoberman stated that today is Juneteenth and gave a brief history of the holiday. He asked that, in the future, consideration be given to scheduling meetings on June 19, 2024. Mayor Marathe responded that holidays are scheduled by union contracts.

Vice-Chairman Hoberman announced that he left pamphlets in the back of the room on extreme heat safety, and asked everyone to keep safe. These are from the American Red Cross, which he has been a member for 52 years.

He also spoke about West Windsor Township not being a full-service community. He cited and discussed some examples.

PUBLIC COMMENTS

Mayor Marathe made a motion to open the meeting for public comment on non-agenda and non-pending application items; seconded by Mr. Baig.

TIRZA WAHRMAN, 5 Stonelea Drive: Ms. Wehrman asked for an update on the pending litigation on the Bridgepoint application. Planning Board Attorney Baillie responded that they are in the middle of a briefing schedule. It is due in a couple weeks; they are a long way off from oral argument.

There were no further comments from the public. Vice-Chairman Hoberman closed the meeting for public comment.

LIAISON REPORTS

Environmental Commission – Given by Liaison Mr. Baig.

Vice-Chairman Hoberman asked Mr. Baig to discuss the Environmental Commission’s comments in the ordinance review.

Affordable Housing Committee – Given by Ms. Bahree. (Comments inaudible). Affordable Housing Committee report attached to the minutes.

MINUTES:

August 16, 2023

Mr. Baig made a motion to approve the August 16, 2023 minutes, as amended; seconded by Mayor Marathe. Approved by voice vote. Abstention(s) by: Bahree, Whitfield

November 8, 2023

Mayor Marathe made a motion to approve the November 8, 2023 minutes, as amended; seconded by Mr. Baig. Approved by voice vote. Abstention(s) by: Whitfield

The minutes will be amended by the Recording Secretary and the final version will be forwarded to the Administrative Secretary.

APPLICATION:

PB24-05 **NJ HOSPITAL ASSOCIATION**
Sign Waivers
760 Alexander Road
Block 9, Lot 57
Property Zoned: ROM-2 District
MLUL: N/A

The property is an approximately 14.015-acre parcel developed with a conference center as well as associated improvements including parking, landscaping, etc. The Applicant proposes to erect various signage on the property which will require waiver relief for the number, size, and location of the proposed wall, monument, and instructional signs.

Attorney Baillie confirmed that the proof of publication and service are in order and the Board has jurisdiction.

Dino Spadaccini, Attorney, representing the applicant, gave a description of the project and background on the applicant.

James Kyle, Planner, gave a presentation on behalf of the applicant. He presented site plans with the proposed change/improvement in signage that is sought. He summarized the relief requested. Lighting of the signs was also discussed.

Ray Brandes Chief Operating Officer, NJ Hospital Association, explained that it is their intent to give better directions and lighting to people visiting their site.

The Township’s Planning Board Professional David Novak of Burgis Associates was sworn-in by Attorney Baillie. He reviewed his report dated June 6, 2024. He said the applicant addressed all his concerns.

Mayor Marathe opened the meeting for public comment on the application; seconded by Mr. Baig. There were no comments from the public. Mayor Marathe a motion to close the meeting for public comment; seconded by Ms. Appleget:

Ms. Bahree made a motion to approve application PB24-05 with 8 sign waivers listed; seconded by Mayor Marathe.
Aye: Loverro, Baig, Bahree, Appelget, Whitfield, Marathe, Hoberman
Nay: None
Abstain: None
Absent: Patel, Pankove, Schectel, Karp
Not Voting: None

ORDINANCE REFERRAL FROM TOWNSHIP COUNCIL

Ordinance 2024-14 – “Stormwater Control Regulations and Driveways”

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 200 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR (1999) BY MODIFYING PROVISIONS PERTAINING TO STORMWATER CONTROL REGULATIONS AND DRIVEWAYS

Township Engineer Guzik was sworn-in by Attorney Baillie.

Township Engineer Guzik distributed a memorandum dated May 31, 2024 that was given to the Township Council regarding the State’s (NJDEP) amendment to Stormwater Control and requiring towns to update their code. This is due to the increase and projected trend of 100-year storms. An ordinance was prepared with the proposed amendments to update Township’s Land Use Code Standards.

The Planning Board member discussed/asked questions.

Vice-Chairman Hoberman opened the meeting to the public.

STACEY FOX, 29 Berrien Avenue: Ms. Fox asked the Planning Board to adopt the strictest possible standards, and so the Township will be prepared in the future, and to protect future generations. Rainfall amounts have grown expedientially.

DAN WEISS, 15 Canoe Brook Drive and Councilman in West Windsor Township: Mr. Weiss thanked Engineer Guzik for the work preparing the ordinance. He addressed the Municipal Separate Storm Sewer System MS4 Permit Plan which is due by December 2027, which is due to improve water quality and reduce flooding. This is driven by more intense and more frequent storm events due to climate change. He suggested incorporating the 6 enhancements into the proposed ordinance revisions and start now, instead of waiting. He cited the 6 enhancements.

WILLA INLENDER, 3 Carlyle Court: Ms. Inlender gave comments suggested by the Watershed. She said the NJDEP is asking municipalities to adopt even stricter rules. She asked that the Township prepare for the worst so that the residents are protected.

WARREN METLACK, 5 Stonelea Drive: Mr. Metlack asked that Planning Board accept Councilman Weiss's suggestions.

ANDY WHITE, 21 East Kincaid Drive: Mr. asked that Councilman Weiss's comments be considered.

TIRZA WAHRMAN, 5 Stonelea Drive: Ms. Wahrman thanked Township Engineer Guzik. She commented on the Avalon Bay development and asked if the Green Infrastructure Rules adopted in 2021 were in place. She supports Councilman Weiss's suggestions. She also commented on the Bridgepoint application that is in litigation because the NJ DEP did not follow a proper precipitation model. She urges the Planning Board to consider Councilman Weiss's suggestions which follow the NJ Institute model.

ANN JACOBS, 64 Bear Brook Road: Ms. Jacobs thanked Township Engineer Guzik for his comments. She said there is a lot of flooding here, especially in parking lots, and the 6 Watershed stipulations are very important.

BEN LEE, 29 Remington Circle: Mr. Lee said he is very happy that the Township has adopted these regulations. He asked for consideration for communities that have septic systems, not public sewer. His HOA has expressed concern to the County Planning Board. He asked that the Township protect the residents. Rainfall and ponding is lasting over a week now, instead of 2 days. He would like to see developers consider these large rates. During heavy rains, you have to wake up several times to check your sump pump.

There were no further comments from the public. Mayor Marathe said that the stormwater ordinance is again being modified. Flooding is an issue and West Windsor can't solve it alone. West Windsor is doing what it can do legally for businesses and homeowners. Council Vice-President Mandel has prepared a resolution requesting the State to take action. Water is being dumped upstream and West Windsor is flooding. He said applications are reviewed and determined according to the laws established. He is recommending the ordinance be adopted by Council.

Mr. Baig stated that at the May 23, 2024 meeting, the Environmental Commission reviewed the Ordinance and approved it and recommended it be adopted.

Township Engineer Guzik responded to Ms. Wahrman's question, that the Avalon Bay project came in in 2020, and would be grandfathered from the 2021 Green Infrastructure Rules. But due to the size of the size and density of the site, there are a number of dispersed stormwater management features for that project. They are just not fully designed for the infrastructure rules.

TIRZA WAHRMAN, 5 Stonelea Drive: Ms. Wahrman asked if the 6 points Councilman Weiss suggested earlier would be discussed tonight. Vice-Chairman Hoberman responded that all comments would be considered. Ms. Wahrman also stated that she will forward to Attorney Baillie the provision in the MLUL that allows ordinances to be modified when new health and safety concerns become available. It was previously sent to Attorney Mueller.

Mayor Marathe stated that public comments can also be made at the Township Council meeting. He said that not adopting this ordinance means that the current ordinance remains in effect, which may not be the best thing for the residents.

Councilman Whitfield said as a member of the Township Council, it is best to do what is right for the community.

Mayor Marathe said that when the residents are happy, they do not show up at meetings. He has spoken to many residents and heard comments from the residents present.

Township Engineer Guzik stated that if this ordinance is not adopted, it will fall to the current standards. Most of the projects that come to the Township fall within the Delaware & Raritan Canal Commission Review Zone which triggers the State's review and having to comply with the inland flood rules. There are currently single-family homes in the Township that have stormwater management features, i.e. sand bottom detention basins in the front and rear of the yards. He added there is another upcoming round of rule changes that will affect redevelopment projects.

Councilman Whitfield asked Township Engineer Guzik if these ideas/comments will impact our flooding problems. Township Engineer Guzik responded that increasing the standards will not reduce the flooding from the Millstone. All the communities upstream where the run-off water is coming from will have to do something for us to see substantial change.

Ms. Bahree made a motion that Township Ordinance 2024-14 prepared by Township Engineer Guzik, as submitted to the Planning Board and amended with the 2 minor changes stated by Attorney Bailee, is in compliance with the Master Plan and recommends adoption by the Township Council; seconded by Mr. Baig.

Roll Call:

Aye: Loverro, Baig, Bahree, Appelget, Whitfield, Marathe

Nay: Hoberman

Abstain: None

Absent: Patel, Pankove, Schectel, Karp

Not Voting: None

ADJOURNMENT

The next meeting is tentatively scheduled for July 17, 2024. With no further business, Vice-Chairman Hoberman adjourned the meeting at approximately 8:55 pm.

Respectfully submitted,

Cynthia Dziura
RMC/CMR, Recording Secretary