

WEST WINDSOR TOWNSHIP PLANNING BOARD MEETING
REGULAR MEETING
March 5, 2025

The Regular meeting of the Planning Board was called to order at 6:35 pm by Chairman Karp 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 February 25, 2025.

ROLL CALL AND DECLARATION OF QUORUM

Michael Karp, Chairman, Class IV
Curtis Hoberman, Vice-Chairman, Class IV
Hemant Marathe, Mayor, Class I
Jyotika Bahree, Class II
Simon Pankove, Class IV
Robert Loverro, Alt. #1

ABSENT: Martin Whitfield, Councilman, Class III
Sue Appelget, Class IV
Anis Baig, Class IV
Allen Schectel, Class IV
Pankaj Patel, Alt. #2

Mr. Pankove joined the meeting 6:37 PM

TOWNSHIP CONSULTANT STAFF PRESENT

Gerald Muller, Esq., Attorney, Muller & Muller, P.C
David Novak, PP, Planner, Burgis & Associates
Frances Guzik, PE, Township Engineer
Quazi Masood, PE, PTOE, Traffic Engineer, Arora & Associates

Sam Surtees, Land Use Manager and Zoning Officer

PUBLIC COMMENTS

Chairman Karp opened the meeting for public comment on non-agenda and non-pending application items. There were no comments from the public.

MINUTES:

July 17, 2024

Vice Chairman Hoberman made a motion to approve the July 17, 2024 minutes; seconded by Mayor Marathe. Approved by voice vote.

Abstention(s): Loverro

Approved Minutes will be forwarded to the Administrative Secretary.

Draft Site Plan/Subdivision Checklist Ordinances

Township Planner Novak began by saying that it has been about twenty years since the township has updated their Site Plan and Subdivision Checklist Ordinance. He explained that when an application is filled out there are checklists that dictate what materials need to be submitted with that application. There have been changes in technology and resources, therefore, some of the requirements in the checklist ordinance are outdated. There have been significant changes to the Municipal Land Use law concerning the time of application rule compared to the time of decision rule. In the past a municipality had the right to change their zoning regulations mid application, now whatever is set in ordinance at the time of application now rules. He said that it is important that everyone understands the checklist ordinance requirements. These checklists are intended to ensure that the board, the public, and everyone involved have sufficient information to make coherent and well-informed decisions regarding an application. It is also there to guide applicants about what their expectations are. These ordinances for checklists typically apply to any application, but the applicant has the right to request a waiver. The board can only request items on the checklist and they cannot delay the application for additional items, and the applicant wouldn't be required to submit them. That is why it is better to have it on the checklist and grant a waiver. Chairman Karp asked if it would be better to have different checklists based on zoning so there wouldn't be so many items that wouldn't apply. Mr. Novak replied that they can't do that by zoning district but do have different checklists for application type versus use type. Mr. Pankove asked about how an applicant is granted a waiver. Mr. Novak explained that when an application first comes in Mr. Surtees looks over the application for completeness, then applications for site plan or subdivision applications go through the TRC process. Mr. Surtees explained that when an applicant submits an application, it is reviewed for completeness and then goes to the TRC for a virtual meeting. If the staff does not support the waiver, this typically prompts the applicant to provide the required item on the checklist before it goes to the Planning Board. He mentioned that there are now additional requirements, so they are updating the checklists to prepare for the next phase of affordable housing. Attorney Muller questioned the "N/A" on the applications and how that is handled. Mr. Surtees stated that it is also discussed at the TRC to make sure an item is not needed or if a waiver is required. Chairman Karp voiced his concern about items on the checklist being missed. Mr. Novak stated that new checklist forms will be provided in a PDF format for applicants and the township to mark for completeness. Mr. Pankove asked about waivers being granted before coming to the Planning Board. Mr. Novak said that the TRC does not grant waivers and only the Planning Board can do that. The staff in their reports might support a waiver, but the Planning Board has the right to deny the waiver and ask for the item to be submitted. Mr. Novak went on to explain that in his February 25, 2025 memo, he organized questions posed by the Township Council into categories: Planning/Legal, Engineering, Traffic Engineering, and Landscape Architectural. He read the questions and briefly discussed the answers. He went on to speak about an item that was added to both the new Site Plan and Subdivision Ordinances now requiring the applicant to provide physical, fiscal or socioeconomic information such as population, number of school children, tax revenue, etc. The information in those documents, such as the number of school children, cannot be used to deny the application. According to municipal land use law, this is not required. They added this to evaluate the socioeconomic impact of upcoming developments related to the fourth round of affordable housing. Attorney Muller suggested including a clause indicating that this information would not be used by the Planning Board for their review but will be forwarded to the school district for their planning. Mayor Marathe expressed concern that if the application is denied for any other reason, it may be perceived as being rejected due to the number of children.

The Planning Board members made comments/asked questions regarding items in the Site Plan/Subdivision Checklist Ordinances.

PUBLIC COMMENT

Chairman Karp opened the meeting for public comment.

COUNCILMAN DAN WEISS, 15 Canoe Brook Drive: He stated he wanted to go back to discussing using an estimate for the number of school children in the ordinance. He feels this is troublesome because it's not going to be used to make a decision and it just adds a risk that can be used against them. He added that there is no real formula used to come up with that number, therefore the number isn't really accurate. Attorney Muller agreed that if this went to court because the application was denied it would be hard to defend since they asked for that additional information. Attorney Muller and Planner Novak agreed that this should be removed from the ordinance.

COUNCILWOMAN LINDA GEEVERS, 20 Hawthorne Drive: She agreed that the section should be removed from the ordinance because it would be difficult for board members to ignore the fiscal impact once presented to them. She went on to speak about street names and how she feels the Planning Board when they receive the site plan should be able to look at the street names and agree to them. She prefers that the names follow a consistent theme and should align with the name of the development. She is concerned because in the past developers have tried to honor retired employees by naming streets after them. She explained that she isn't against streets being named after an individual that has made significant contributions to West Windsor. Mr. Novak suggested the township could add additional guidance and possibly put it into the Site Plan and Subdivision Standards. Mr. Surtees stated that the Planning or Zoning Boards are not responsible for handling street names. He suggested that if additional regulation is desired, it should be addressed in a different section of the existing code or by adding a new code. He went on to explain the process. The developer submits the name to the Engineering Department and the engineer coordinates with emergency services, the police department and the West Windsor and Princeton post offices to make sure that there are no duplicates or similar names. Township Engineer Guzik read the existing code, Section 200-56 (L) regarding street names. Ms. Geevers went on to speak about traffic studies and how these larger developments or commercial sites have negative impacts on residential areas such as trucks and traffic volume. She inquired whether they could broaden these studies to encompass the impact on the area. Mr. Novak stated that Mr. Masood did ask to include some additional language regarding truck traffic volume and a truck traffic circulation plan to be added to the checklist in the ordinance. Traffic Engineer Masood stated that they need to adhere to industry standards, otherwise, the applicant would not be required to comply.

Ms. Bahree spoke about traffic studies and asked about how they determine the requirements for parking and lighting. Planner Novak explained that for parking there are residential site improvement standards that establish maximum parking for residential units, but the municipality or reviewer can lower those standards based on surrounding environmental factors. He explained that with lighting there is usually a waiver requested, but lighting is governed by township ordinance so there is more flexibility with granting a waiver. Mr. Masood spoke about traffic studies and how parking and lighting are inside the project site and traffic circulation goes outside into the public roadways and surrounding areas. In the public right of way, they must adhere to industry standards. He stated that the applicant cannot be asked to submit any documentation that is not required by State or Federal agencies. Ms. Bahree then asked how they evaluate what is appropriate for each application while staying within industry standards. Mr. Novak replied that parking requirements are always application specific. They have an array of different requirements based on zoning districts. They also hold applicants to the residential site improvement plan requirements, ordinance requirements, and what the applicant provides. Applicants often base parking requirements on their previous projects' experience. They

try to create a standard for parking requirements, but often there are site specific factors or market factors that come into play.

COUNCIL PRESIDENT ANDREA MANDEL, 46 Elsworth Drive: She spoke about when an application is deemed complete the clock starts running and how it is difficult to ask for anything additional after that. She asked how the waiver process works, if the TRC says yes to the waiver and the Planning Board denies it. She requested more clarity in the ordinance on what requires a waiver. She doesn't want to see an applicant come in who doesn't fill out anything on the checklist and basically says they are going to ask for a lot of waivers then comes into the meeting and the clock is still running. Mayor Marathe replied that Mr. Surtees wouldn't deem the application complete unless they feel a waiver is warranted. An application is considered complete when the TRC provides justification for the waivers and feels comfortable presenting it to the Planning Board. Mr. Surtees stated that there are two types of waivers: a design waiver and a checklist waiver. He doesn't remember the Planning Board ever going against the staff on a checklist waiver requirement. If the staff during TRC doesn't agree with all the checklist waivers it would never make it to the Planning Board. Ms. Mandel went on to say the document is difficult to follow because the Township Council only received the changes and not the entire document. Mr. Surtees stated they will send the entire document and the checklists when they send it to the Council for introduction. Ms. Mandel reviewed the proposed changes with Planner Novak to ensure they were incorporated into the ordinances. She went on to speak about the traffic studies and how some of the guidelines they spoke about were not included in earlier submissions and asked if they could be more specific about the size of the area of the traffic study. Traffic Engineer Masood replied that he doesn't determine that, but the traffic engineer for the applicant does. He can concur, object or ask them to expand it, but can't put it on as a requirement.

In closing, Mr. Surtees explained that the staff will meet about what was discussed tonight and then they will send it to the Clerk's office for distribution to the Council members. The Council will review it and if it is ok will introduce it at a Council Meeting. It will then be referred back to the Planning Board for comments and make sure it is in compliance with the Master Plan. After that it will go back to the Council for a public hearing and if it gets approved at the public hearing the Mayor will sign it and twenty days later it becomes effective.

Mayor Marathe made a motion to close public comment; seconded by Mr. Pankove. Passed by Voice Vote.

ADJOURNMENT

The next meeting is tentatively scheduled for March 19, 2025. With no further business, Chairman Karp adjourned the meeting at approximately 8:25 pm.

Respectfully submitted,

Patricia Van Clef
Recording Secretary