

WEST WINDSOR TOWNSHIP PLANNING BOARD MEETING
REGULAR MEETING
May 7, 2025

The Regular meeting of the Planning Board was called to order at 6:32 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 April 22, 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
Anis Baig, Class IV
Simon Pankove, Class IV
Allen Schectel, Class IV
Robert Loverro, Alt. #1
Pankaj Patel, Alt. #2

ABSENT: Martin Whitfield, Councilman, Class III
Sue Appleget, Class IV

TOWNSHIP CONSULTANT STAFF PRESENT

Gerald Muller, Esq., Attorney, Muller & Baillie, P.C
David Novak, PP, Planner, Burgis & 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 items.

FELICIA SPITZ, 5 Haslet Avenue, Princeton: Ms. Spitz began by saying she lives in Princeton and is not currently a West Windsor resident, but she graduated high school in West Windsor in 1987. She was in town on Saturday and was very upset by the number of warehouses she saw while driving down Princeton-Hightstown Road. She spoke about the township seal and how it says tranquility and not sure what part of the construction of gigantic warehouses that are wrecking the environment and causing traffic and pollution is keeping with that word. She implored the board to rethink this because it's not just impacting West Windsor but also the surrounding towns.

TIRZA WAHRMAN, 5 Stonelea Drive: She explained that they are coming up on the third-year anniversary of the Planning Board's approval of Bridge Point West Windsor LLC. There was a vigorous debate at the time and there is now new information, which she shared with Mr. Surtees. There is pending litigation from the Watershed Institute against the site. There is photographic evidence showing that the builder disturbed the site and it is now in the hands of the DEP. Given the fact that there are no other approvals except for the West Windsor Planning Board, she believes they can still revisit what is happening at the site. Their approval was under the 1999 flood maps and there are now flood maps from

2023, which should apply to this site because they reflect the real time flooding. She spoke about the affordable housing numbers and how the town would save on about 181 affordable housing units by building the warehouses. She went on to say that there was an OPRA request done and it shows that the developer is not paying any taxes on this site. In closing, she asked them to work on protecting this land.

ANDREA MANDEL, 46 Elsworth Drive, speaking as Township Council President: She stated that she wanted to let the Planning Board know that at their meeting on Monday they discussed a new Complete and Green Streets Policy that they have been working on with Administration and will be further discussed at the Environmental Commission meeting on Thursday night. A resolution will be voted on at the next May meeting by the Township Council. She added that this isn't reviewed by the Planning Board but just wanted to make them aware that this will not only be a Complete Streets Policy but a Complete and Green Streets Policy. Once passed this will be something the Planning Board will be using when looking at applications.

WARREN MITLAK, 5 Stonelea Drive: He began by saying that he understood the idea that allowing the warehouses would be saving housing units from coming there. The number the DCA decided on when looking at how to calculate how many affordable housing units they needed to provide in town was 661. The town hired Burgess & Associates and realized the DCA calculated the number by including the warehouse land and considering it developable. Burgess & Associates pointed out that land was no longer developable because of the warehouses and going back and forth with other properties in town came up with a number of 480. He explained that if you subtract 661 from 480 you get 181, which is the number of affordable housing units that was saved by taking that land off the developable land books.

AJ KAISTH: 20 Haskel Drive: He stated that the State Assembly is reviewing ADUs (Accessory Dwelling Units) and this may come to the Planning Board in the future, and he hopes that they consider that favorably because there is a need for this type of accommodation in West Windsor. He explained that maybe on the large lots that some single-family homes have they can accommodate in-laws or rent them out to people who need affordable housing. He went on to speak about the three words on the township seal "Tranquility, Research and Knowledge". He said that none of those three elements will be met by this monstrosity that is coming to town. He highlighted Alan Schectel as the only person who presented facts that night, while everyone else approved the warehouses. He understood that Mr. Pankove also questioned the warehouses, but Mr. Schectel was the only one who made a presentation and everything in that presentation was accurate. He went on to speak about the issue of the new flood maps and how the Planning Board has done nothing to make sure the developer complies with them. He said that the developer starting work on the site without meeting the approvals seems to violate the conditions the Planning Board approved. Also, if the watershed report is accurate and if they look at the exhibits provided by Tirza then this Planning Board should take action to prevent that and use that as one of the mechanisms to try and put a stop to the warehouses. He said that some council and board members suggest others are trying to stop this, implying the community doesn't need to take action. This is confusing because he is not sure whether the Township Council and Planning Board are wanting the completion of the warehouses or are wanting to delay it or stop it. In closing, he stated that if they really want to take a proactive stance against this 5.5 million square foot monstrosity its time they did something to prevent it.

BEN FINKELSTEIN, 43 Arnold Drive: He began by saying that this 5.5 million square foot warehouse would be the largest warehouse project in the state of New Jersey and one of the largest in the country. He thinks it is terrible for the environment and public health, but he was not there to rehash the same argument. He asked what they intend to do with this information that apparently there is photographic evidence of vegetation and tree cutting before the permits were granted. This seems like the law is being broken by the developer. He doesn't know if there was a backroom deal

or how that happened if they are allowing developers to build without proper permits. He asked if they are going to investigate this evidence or pretend it didn't happen.

MIKE DEVERELL, 91 Penn Lyle Road: He said that he feels uncomfortable with the sort of trust this board has put in this developer to do the right thing for the community. He wants to make sure they are taking a good look at the evidence and to take another look at their trust in the developer. If this does come back for re-approval based on new flood maps or another reason, he asked them not to go in with the default view that whatever they say the developer is going to follow.

KHURRAM WAHEED, 286 Clarksville Road: He said that Bridge Point 8 has not paid taxes since 2019, and his property taxes have increased every year. He wants to know why they are getting this kind of privilege and not the regular taxpayer.

Mayor Marathe responded to the public comments by first stating that there are no warehouses being built between here and Princeton. He clarified that the property in question is owned by Atlantic Realty, not Bridge Point 8, and taxes are being paid by Atlantic Realty according to the Tax Assessor. He spoke about the amount of taxes that Atlantic Realty is paying on all their properties and said that is why the municipal taxes have not increased in 7 years. He explained that Atlantic Realty has also paid 50% of their affordable housing fee last August and they will be paying the other half when they complete the project in October or November. Since the affordable housing fee was paid that fund is used to help people living in affordable housing either pay for their HVAC, other improvements or rental credits. He responded to the statement regarding the trees being removed without permits and explained that whatever was done on that property was done before they came to the Planning Board for approval. Anybody in the township can get a demolition permit and demolish whatever structure they have on their property. Following the Planning Board's approval they have not pulled a single permit and kept with every condition of approval. In closing, he explained that the township collects 100% of the taxes and pays the school district and the county. The township is obligated to pay those taxes monthly so if taxes aren't paid on a property the town still has to pay the school board and the county out of the township funds. They are vigilant in making sure that everyone pays taxes and their collection rate is over 99%.

Chairman Karp added that this property is still in litigation so they are limited on what can be said about what is going on.

TIRZA WAHRMAN, 5 Stonelea Drive: She again spoke about the OPRA search and stated she can provide the documents on the lot and block number for this site. She understands that Atlantic Realty owns other properties including the Avalon Bay site, but she is just talking about this site and the documents that were provided six weeks ago that show zero dollars were paid on this site because the land is vacant. In closing, she asked them again to look at the 2023 flood maps since nothing has been built on the site yet. She added that she is aware of the litigation brought by the Watershed Institute, which the township is not a party to.

Mayor Marathe addressed Ms. Wahrman and Mr. Mitlak and commented on the affordable housing number the DCA gave being 661 and said they don't know what the new number is, it hasn't been disclosed because they haven't gone to court with their number yet. They will then see how much that number has been reduced because of this property being taken out of circulation. When they receive their tax bill, they will see that the school board taxes are going up 5.3% and the county taxes also are going up, but that is not the township's taxes. The school board taxes are going up

because of affordable housing and all the kids coming into town. That is what he is trying to mitigate and avoid so it is affordable for people to live in West Windsor.

Chairman Karp stated that vacant land still gets taxed. He also addressed a comment made earlier about “backroom deals” and stated that is not true and there are no “backroom deals”.

Chairman Karp closed public comment on non-agenda and non-pending application items.

MINUTES:

October 16, 2024

Vice Chairman Hoberman made a motion to approve the October 16, 2024 minutes; seconded by Mr. Shectel. Approved by voice vote.

Absent: Whitfield, Appleget

April 2, 2025

Mr. Schectel made a motion to approve the April 2, 2025 minutes; seconded by Mr. Baig. Approved by voice vote.

Absent: Whitfield, Appleget

Chairman Karp stated that the name of the law firm of Gerald Muller has been changed to Muller & Baillie and both sets of minutes should reflect the new name.

Approved Minutes with correction will be forwarded to the Administrative Secretary

ORDINANCES – Referral from Township Council

- A. Draft Site Plan Checklist Ordinance (Ordinance 2025-03)**
- B. Draft Subdivision Checklist Ordinance (Ordinance 2025-04)**
- C. Draft Land Use Ordinance RP-9 (Ordinance 2025-06)**
- D. Draft Princeton Junction Redevelopment Plan Ordinance RP-9 (Ordinance 2025-07)**

Ordinance 2025-03 – Draft Site Plan Checklist

An Ordinance Amending Chapter 200 Land Use, Article IV, the procedures set forth for site plan approval and subdivision approval, Sections 200-11, 12, 13, 14 and 15 of the Township Code of the Township of West Windsor

Chairman Karp suggested that page numbers be added because it is hard to follow.

Township Planner Novak began by saying that he wanted to refresh everyone’s memory on Ordinance 2025-03 and 2025-04. The reason why they are doing this is because it hasn’t been updated in several years. They are also receiving more applications, and this will allow the board, public and applicants to all be on the same page and to know exactly what is required. In the meeting they had a month or two ago they discussed potential changes, and these were incorporated into the ordinances that are here tonight. The point of this meeting is to make sure these ordinances are not inconsistent with the Master Plan as well as to offer any recommendations such as page numbers. The board

members went on to ask for clarification on some of the changes that were made. Mr. Novak explained that they checked with the township consultants on traffic and landscape requirements as well as their acoustical expert.

Mr. Surtees asked the board to keep in mind if it's not on the checklist they really can't require the applicant to provide it. Attorney Muller clarified that it is not the case for completeness purposes. During the hearing, if there is something the board needs whether it is on the checklist or not, they have the right to request it. He doesn't ever remember an applicant not providing what is asked for during a hearing, but added that the applicant does have the right to challenge it and that's why it is important to make sure the checklist is updated.

Chairman Karp asked for a motion to recommend sending Ordinance 2025-03 back to the Township Council and finding it substantially consistent with the Master Plan, including the revision of adding page numbers. Motion to approve by: Ms. Bahree; seconded by Mr. Baig.

Roll Call:

Aye: Patel, Loverro, Schectel, Pankove, Baig, Bahree, Marathe, Hoberman, Karp

Absent: Whitfield, Appleget

Ordinance 2025-04 – Draft Subdivision Checklist Ordinance

An Ordinance Amending Chapter 200 Land Use, Part 2, Article XI, the procedures set forth for site plan approval and subdivision approval, Sections 200-47, 49, 50, 53 and 54 of the Township Code of the Township of West Windsor

Township Planner Novak explained that this is very much like the Site Plan Ordinance Checklist but dealing specifically with subdivisions. For the same reasons discussed with the previous ordinance this also needed to be updated. He added that this ordinance was also reviewed by the township consultants and the acoustical expert.

Chairman Karp asked for a motion to recommend sending Ordinance 2025-04 back to the Township Council and finding it substantially consistent with the Master Plan, including the revision of adding page numbers. Motion to approve by: Mr. Schectel; seconded by Mr. Baig.

Roll Call:

Aye: Patel, Loverro, Schectel, Pankove, Baig, Bahree, Marathe, Hoberman, Karp

Absent: Whitfield, Appleget

Ordinance 2025-06 – Draft Land Use Ordinance RP-9

An Ordinance to Amend and Supplement Plan Regulatory Provisions, Article XXXIV, Land Use Controls, Section 200-268, of the Township Code of the Township of West Windsor to Amend the RP-9 Princeton Junction Redevelopment Plan District

Township Planner Novak stated that Ordinance 2025-06 and 2025-07 are essentially carbon copies of one another. This is an ordinance to supplement both the E-Code System online as well as the Princeton Junction Redevelopment Plan to amend the zoning of the RP-9 District. This is essentially located in the Princeton Junction area where the former bus depot was located. They met last month, where they adopted amendments to the Master Plan as well as the Princeton Junction Redevelopment Plan. This changed the zoning and the purpose of this district to accommodate public park uses and mechanisms intended to screen the power station next door but also allowing for off-street parking, training facilities for public transportation, monument signage and street furnishings as well. The idea behind this ordinance is to work with the West Windsor Parking Authority and to add some supplemental parking should it ever be needed and

create a space where on weekends they can hold small community events there. This ordinance is taking this currently underutilized site and allowing for overflow parking there if needed at the train station and coming up with flex space as well. The purpose of tonight's hearing is to make sure these ordinances are not inconsistent with our Master Plan. He went over some small changes made by Kevin McManus the Township's Redevelopment Attorney.

Chairman Karp asked if they really need to utilize this site during the week for commuter parking. He stated that when you go through the lots during the week there are a lot of empty spots. He suggested that it may not have to be used for train parking but could be used for short-term parking for people shopping.

Mr. Lupo was sworn in by Attorney Muller.

ANDY LUPO, 47 San Marco Street – Chairman of the West Windsor Parking Authority: He began by saying that their intention was to figure out how to clean up that site. They thought this could be an opportunity to remove the bus garage and remove the tank that is buried there. It is contaminated soil, and they would cap it like they did with Upper Vaughn. He agreed that there are some empty spots. On Tuesday, Wednesday and Thursday they are very busy and on Monday and Fridays with remote working it is not as busy. With the additional housing going in there may be a push for spaces again. This is also a good way to provide different community events such as food trucks on weekends and parking would be free. During the week they would have permits or daily parking, but it would be more of an overflow. People would prefer to park in the Wallace lot because it is closer. Right now, they have an agreement with Princeton who is using Upper Vaughn for their construction workers, so they might have a need for additional spaces on this side of town. The Parking Authority believes they need more spaces to have them readily available. Chairman Karp asked if they could keep the commuter train parking out of that lot during community events. Mr. Lupo stated they do have security enforcement there, but he doesn't see it as a problem because there will be plenty of spaces available on the weekends in the Wallace lot. Mayor Marathe inquired about creating waiting spots for train pickups. Mr. Lupo stated that people probably wouldn't use them because they wouldn't want to have to walk that far. Mr. Pankove inquired about the number of spaces that will be created after demolition. Mr. Lupo replied that they will get about 35 spaces because Amtrak has an access right because they have a training facility behind the bus garage. They would also like to put in a few tables, maybe a future pavilion that if someone wants to grab lunch they can sit out there. Chairman Karp asked if the parking spaces are not being utilized down the road could it be repurposed. Mr. Lupo replied that they do not own this, but they have a lease agreement with the Township, and they will work with them to see what other kind of venues could be utilizing the space.

Chairman Karp asked for a motion to recommend sending Ordinance 2025-06 back to the Township Council and finding it substantially consistent with the Master Plan. Motion to approve by: Ms. Bahree; seconded by Mr. Pankove.

Roll Call:

Aye: Patel, Loverro, Schectel, Pankove, Baig, Bahree, Marathe, Hoberman, Karp

Absent: Whitfield, Appleget

Ordinance 2025-07 – Draft Princeton Junction Redevelopment Plan Ordinance RP-9

An Ordinance to Amend and Supplement Chapter 200, Land Use, The Princeton Junction Redevelopment Plan, of the Township Code of Township of West Windsor by Modifying the RP-9 District.

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Township Planner Novak explained that this ordinance is to amend the RP-9 district to allow parking there as well as training facilities, monument signage, street furnishings. The idea is to enable a way to clean up the site and make it more productive for overflow parking as well as potentially having events. Very similar to the last one, same requirements, same regulations. The only difference between the two are where they are located online in the E-Code System.

Chairman Karp asked for a motion to recommend sending Ordinance 2025-07 back to the Township Council and finding it substantially consistent with the Master Plan. Motion to approve by: Mr. Pankove; seconded by Mr. Schectel.

Roll Call:

Aye: Patel, Loverro, Schectel, Pankove, Baig, Bahree, Marathe, Hoberman, Karp

Absent: Whitfield, Appleget

ADJOURNMENT

Chairman Karp asked for a motion to close the public hearing; motion to approve by Mr. Baig; seconded by Mr. Schectel. Passed by voice vote.

The next meeting is tentatively scheduled for May 21, 2025. With no further business, Chairman Karp adjourned the meeting at approximately 7:57pm.

Respectfully submitted,

Patricia Van Clef
Recording Secretary