

## **West Windsor Township Zoning Board of Adjustment**

### **Minutes – Regular Meeting**

**August 22, 2019**

The regular meeting of the Zoning Board of Adjustment was called to order at 7:00 p.m. on Thursday, August 22, 2019 by Chair Abbey 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:** Susan Abbey  
John Church  
Curtis Hoberman  
Daniel Marks  
Aleta Ricciardi  
John Roeder  
Carl Van Dyke

#### **CHAIR'S COMMENTS & CORRESPONDENCE**

No comments were provided.

#### **PUBLIC COMMENT**

No comments were provided.

#### **APPLICATION**

**ZB 18-07 CELEBRATIONS @ WEST WINDSOR (continued from 7/25/19)**  
**D-1 Use Variance and Concept Plan**  
**Block 21.27, Lot 1**  
**Northwest Corner of McGetrick Lane & Southfield Road**  
**Property Zoned: P-1 District**  
**MLUL: 8/23/2019**

D. Marks confirmed that he listened to the recording of July 25, 2019 and he is qualified to vote.

Chair Abbey noted that the meeting remained opened to the public at the last meeting and the floor is still open to the public for comment about testimony from the applicant's and Board's professionals.

Jeffrey Baron, Esq., stated that he was retained last week to represent a resident across from this development and has not been able to review the entire file which he now has in his possession; and he intends to hire a Planner therefore he is requesting that the Board carry this to another date.

Theza Friedman, 4 Woodland Court, stated that the schools are bursting at the seam and the districts are

struggling. A large number of students are anticipated with approved development projects and questioned how the district will be able to manage the increase in student population. The buildings will change the character of the area, the bulk and height will have a negative impact and there are traffic concerns.

Jeff Weizman, 27 Piory Road, stated that he has lived in the Heatherfield development since 1990, the tranquility of the area will be affected with the increase in traffic from 420 units. The roads were not designed to handle the additional traffic, trees will be lost and the land will be paved over which contributes to air and noise pollution. When he purchased his home, he was advised that the vacant land was zoned for commercial retail and/or office use. If this development is approved 80% of the space designated for professional use will be lost. He asked that the proposal be rejected.

Anita Nijhawan, 16 Blackhawk Court, stated that she just moved in to her home on Heatherfield because of the open space and sense of community. The proposal will change the area drastically and asked that the board deny the use variance.

Robert Gerbic, 10 Woodland Court, stated that he is an original owner within the Heatherfield development, he feels that professional office space is needed. There is a lot of traffic on Route 571, although the applicant's traffic consultant noted traffic counts for vehicles, school bus traffic is more prevalent and there are times when the buses are stacked on the road which is detrimental. Pedestrian traffic measures would also be needed, he feels that this proposal is not good for the public, it would be better to develop the land as it is zoned.

Brijesh Kumar, 7 Diamond Court, stated that he has lived here for 30 years and there has been no development proposal on this piece of land that actually fits the zoning. This development which will impact the quality of life for the residents of Heatherfield. The applicant's traffic consultant at the last meeting testified about the traffic but he feels that his testimony is wrong, traffic on Route 571 between 6am and 7am is extremely busy due to commuters, plus there are the merchants who are receiving deliveries. The additional traffic from this development will have serious impacts for those individuals attempting to get a train. The number of new children in this development is also a concern, there is no room for the additional children in the school system. Mr. Kumar asked that this proposal be rejected.

Jean Grecsek, 11 Woodland Court, stated that she has concerns about bus traffic, within her development parents drive their children to the bus stop because the buses do not go into developments resulting in a lot of resident traffic. The existing traffic on Southfield can be dangerous, this development will result in additional traffic and more buses on the road therefore she is against this proposal.

Mary Lynn Litzinger, 4 Clausen Court, stated that this land was zoned professional when she moved here 12 years ago. The proposal has two streets that are accessed from Westbrook and this project will have a lot of traffic during non peak hours whereas professional developments do not have traffic throughout the day.

Chair Abbey stated that many people reference a traffic study, a formal study has not been done, and there is no engineered plan.

Ms. Litzinger stated that the consultant testified that there are no wetlands but there are, and there are

also ducks in the area.

Sonia Gawas, 28 Melville Road, stated that she has lived here for ten years, she does not allow her two children to bike in the area because traffic is getting out of control. In addition, there is a lot of construction in the area and she had moved here for the open space and tranquility and she hopes that this will be preserved. Placing all affordable housing on one lot is against the town's philosophy and she urged the Board to consider this and reject the proposal.

Kathy Terzian, 9 Priory Road, stated that when she moved in she was advised that this land would be professional offices. The roadways are congested, she likes to walk through the neighborhood and her handicapped daughter also walks the neighborhood so this will be a major impact. She anticipates 800 vehicles for 420 units and asked that the Board say no to this development.

Ajay Pillai, 4 Millar Court, stated that all professional offices are on the other side of West Windsor or in Princeton, he cannot understand why this space is not being developed for this use. In addition, schools are busting at the seams therefore putting offices on this land makes a lot of sense.

Mu-Yi Lin, 33 Haverford Road, stated that the applicant's consultant testified that the traffic is lower than the numbers anticipated from a retail or office use, he disagrees and feels that more research is needed to make this determination. Mr. Lin stated that commercial space is needed, not more housing, and he has concerns about vehicles parking along the street because of the lack of parking on site.

Joseph Salerno, Priory Road, stated that at the last meeting the applicant's Planning Consultant referenced one case "Homes of Hope" which is a non-profit in Mt. Holly, New Jersey. The proposal involved transforming a dilapidated building into 21 affordable units in Mt. Holly, the proposal was denied but the Court overturned that decision. This proposal is much larger in scale, and undermines the intent of the zoning if it is approved. He stated that there are many parcels that are better suited for this use. This proposal is not like the Homes of Hope project; this is not for the public good. A previous application for this parcel proposed 146 market rate units and this was denied, this development has approximately 420 units.

Sophia Lennox, 323 Clarksville Road, stated that she is a high school senior and there were 36 students in her classroom when she began in the district, there are so many children in the schools now that some classes are being held in the hallways. There are hundreds of students in small spaces and she is unable to hear her teachers speak with so many students. Her gym class has 57 children and there are 100 kids in her health class. Traffic in the area is also a problem, it is very congested and she was involved in a minor accident yesterday.

Dondapati Chowdary, 25 Priory Road, stated that 420 units are proposed. There are walkers, joggers and bicyclists in his neighborhood but traffic has become a nightmare in the last few years. Traffic does not focus on the main roads but on smaller streets to avoid the line of cars on Route 571. He runs along the pathway because of the extra traffic but the pathway has uneven pavement and he has injured himself. He stated that other joggers have had the same experience. He asked that the Board reject this proposal.

Girish Sharma, 5 Woodland Court, stated that since 2011 many residents have spoken about the developments proposed for this parcel but there are so many more who agree with all comments

expressed about this proposal. He questioned the lack of information about the concept plan.

Thej Gurumurthy, 8 Woodland Road, stated that this project is not consistent with the master plan, the town does not need or want any more affordable housing. There is no formal plan and he asked that the application be rejected.

Sarah Kampel, 13 Wallingford Drive, stated that she is looking at the town seal and tranquility is clearly noted. She has lived here for eight years, the landscape of the area is changing, there is much more development and this proposal does not serve any purpose for the people who live in this town. She asked that the Board reject this proposal.

Yang Chen, 5 Clausen Court, stated that the train traffic begins at 6am, he cannot access Route 571 so he drives a different path to get to the train station. He feels that 420 units will bring a lot of cars to an area that is already congested with traffic. In the evening, the area is peaceful but this new development would bring light pollution to the area.

Syed Arshad, 22 Priory Road, stated that he moved here recently, the open space lands backs up to his lot but during the fall and winter there is no privacy because of the amount of backed up traffic attempting to access Route 571. A tree line was considered to provide privacy for the residents but if this proposal is approved, residents will be looking down at the rear of his property. He is also very concerned about the development causing more traffic and lessen the tranquility of the residents.

Himanshu Patel, 9 Westbrooke Boulevard, stated that his daughter was involved in a serious accident on Route 571 and he feels that the traffic impacts should be considered, more cars result in more accidents in the area.

Ganga Mukkavilli, 1 Woodland Court, stated that his home would face this development if it is approved. The land is zoned for commercial and professional offices, currently it is open space and housing is being proposed and this will have a great impact on the schools and he feels that the School Board should be consulted. In the past, 17 to 19 children per class was typical but now there are 27 to 28 children in one class, the schools are overcrowded. The train station is only 2.8 miles away from his home and it should take him 20 minutes to drive there but he allows himself two hours to drive to the station and park his vehicle. There are also many walkers on Route 571 because there are times that it is faster to walk than drive.

Azfar Inayatullah, 11 Westbrooke Boulevard, stated that the traffic pattern must be reviewed so the entire picture is known but he questioned how the traffic numbers could be determined. The Board should make sure that this use makes sense in this part of the town because the traffic will increase.

Sal Sabatino, 36 Haverford Road, stated that a Wawa and a Chic Fil-A are proposed at the traffic light by McGetrick.

Mr. Baron stated that he will speak after a planning consultant is hired.

C. Hoberman asked if the public will have another opportunity to speak if the public portion of the meeting is closed. It was determined to leave the public comment open and allow the professionals to testify.

The Board's consultants were asked to speak.

James Kochenour, traffic consultant for the Board, was sworn in. He referenced his report dated 7/18/19 and raised five comments and asked for a written response. Although testimony may have addressed these comments, he asked for a written response but this has not been provided.

Chris Jepson, Environmental consultant for the Board, was sworn in and stated that there are environmental constraints and issues and the land will change with this development. He needs more information about the land.

Ian Hill, engineering consultant for the Board, previously sworn in stated he presented his report in its entirety last month. C. Van Dyke asked if the sewer capacity is still an issue and Mr. Hill confirmed that this is a concern, the Southfield Road pump station has a remaining 2000 gallon per day capacity and 104,000 additional gallons is anticipated as required with this development.

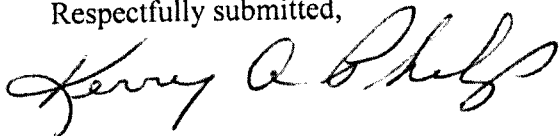
Daniel Dobromilsky, landscape architect, was sworn in and stated that he prepared a report dated May 15, 2019 and he has not heard anything from the applicant that changes the comments in his report.

David Novak, planning consultant for the Board, stated that he wishes to hold his testimony until the planning testimony from the objectors is presented.

Motion was made by J. Roeder to continue the October 3rd, no further notice is required. The motion was seconded by A. Ricciardi. The applicant was asked to provide an extension until October 3rd. The vote was 7-0 in favor. Motion carried.

With no further business before the Board, the meeting adjourned at 8:45 p.m.

Respectfully submitted,



Kerry A. Philip  
Recording Secretary