

## **West Windsor Township Planning Board**

### **Minutes – Regular Meeting**

**January 3, 2018**

The regular meeting of the Planning Board was called to order at 7:00 p.m. on Wednesday, January 3, 2018 by Gerald Muller, Esq., Board Counsel 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: Anis Ahmad Baig  
Linda Geevers  
Curtis Hoberman  
Michael Huey  
Michael Karp  
Andrea Mandel  
Hemant Marathe  
Gene O'Brien  
Simon Pankove

The following board members were sworn in to office by G. Muller. C. Hoberman, A. Mandel, G. O'Brien

#### **REORGANIZATION**

Election of Chair: Motion was made by M. Karp and S. Pankove seconded the motion to elect G. O'Brien as Chair. The vote was 9-0 in favor. Motion carried.

Election of Vice Chair: Motion was made by C. Hoberman and A. Baig seconded the motion to elect M. Karp as Vice Chair. The vote was 9-0 in favor. Motion carried.

Selection of Administrative Secretary: Motion was made by S. Pankove and L. Geevers seconded the motion to select Diane Hurlburt as Administrative Secretary for 2018. Motion carried.

Selection of Recording Secretary: Motion was made by S. Pankove and L. Geevers seconded the motion to select Kerry Philip as Recording Secretary for 2018. Motion carried.

Appointment of Planning Board Members to SPRAB (2): There were no volunteers. This is an open item.

Appointment of Planning Board Member as liaison to Affordable Housing Committee (1): Motion was made by S. Pankove and H. Marathe seconded the motion to approve the appointment of L. Geevers for 2018. The vote was 9-0 in favor. Motion carried.

Chair O'Brien noted that the items listed in the Consent Agenda will be approved by a single motion of the Board. Any item that is on the list can be pulled by a Board member and will be acted upon after the other items are acted upon. He stated that it is his intention to use voice votes whenever it is appropriate and do a formal roll call when that is appropriate.

A. Baig asked about Fire Marshall Yates, who is never present at the meeting to provide testimony and therefore the Board cannot ask him any questions. Mr. Surtees advised that he spoke with Mr. Yates, and if he does not recommend approval and there are concerns relating for fire emergency access the application will not be scheduled until his concerns are addressed.

### **CONSENT AGENDA**

Declaration of Official and Other Newspapers to Receive Meeting Notices: The Times and the Princeton Packet  
Schedule of regular meetings (first four Wednesdays of each month)

Authorization for Chairman or Vice Chairman to Approve Bills and Vouchers

Traffic Safety Officer –Sgt. Frances Bal

Fire Marshall – James Yates

Landscape Architect – Daniel Dobromilsky

Planning Board Engineer – Francis Guzik

Planning Board Attorney: Miller, Porter & Muller – Gerald Muller

Environmental Engineer: Van Cleef Engineering Associates – Chris Jepsen

Traffic Engineer: Arora and Associates – James Kochenour

Planner: Burgis and Associates – Joseph Burgis

Minutes of the following meetings: August 3, 2016; July 12, 2017; July 19, 2017; August 2, 2017; August 23, 2017; and November 1, 2017

Chair O'Brien requested the Minutes of July 26, 2017 meeting be pulled for further review by the Planner.

Motion was made by M. Huey and seconded by M. Karp to approve the Consent Agenda except for the Minutes of July 26, 2017. By voice vote the motion was approved without dissent by those eligible to vote. M. Huey was ineligible to vote on the Minutes of July 19, 2017, motion was made by A. Baig and seconded by M. Karp to approve, by voice vote the motion was approved without dissent by those eligible to vote.

### **CHAIRMAN'S COMMENTS AND CORRESPONDENCE**

Chair O'Brien stated that he is following in the steps of a man that had been Chairman and served the Township for over 16 years. He invited all in attendance to give applause to Marvin Gardner for his service.

Correspondence had been received today from the attorney for the Princeton Land Group, LLP, viz. Thomas M. Letizia, Esq., pertaining to the Howard Hughes tract. He advised that there would no discussion on the letter tonight.

### **PUBLIC COMMENT**

Chris Kramer, resident, spoke about Issue #13 in Section 3.0 of the Reexamination Report, which relates to his home near the curve on Alexander near Princeton. The quality of life there is very peaceful and he has concerns that the potential development will result in noise, light and traffic impacts. Water runoff also impacts some of the homes in his development causing foundation problems so if any impervious improvements are proposed he is asking for this to be considered. Chair O'Brien instructed Mr. Kramer to contact the Engineer, Francis Guzik, when a problem occurs.

### **LIAISON REPORTS**

### Environmental Commission

A. Mandel advised that as the new liaison she has not attended any meetings. Mr. Surtees advised that the first meeting is scheduled for January 11<sup>th</sup> and a report will be needed in February.

### Affordable Housing

Gerald Muller, Esq., legal counsel to the Board, stated that judgment action was filed in 2016 and litigation was done in two stages. The methodology trial was to calculate the fair share and that began in December 2016. West Windsor participated with other Mercer County municipalities. The process lasted to June 2017 and we are waiting for Judge Jacobson's decision. If the numbers that we provided are not accepted, then this will be returned to us for recalculation.

### MASTER PLAN

Master Plan Draft Reexamination Report pursuant to NJSA 40:55D-89

Joseph Burgis, Planner for the Board, presented the draft reexamination report. He stated that the map on page 46 is too small and unreadable so he handed out enlarged maps to the Board for review. Mr. Surtees stated that the map was prepared by the Mercer County Planning Board. Mr. Burgis stated that the MLUL dictates that a municipality has to prepare a reexamination report once every 10 years and the last one was adopted 6/18/08 therefore the Township has to adopt a new document by 6/18/18. The MLUL requires a Land Use Element which includes a policy statement, a Recycling Plan Element which the MLUL added as a required element in 1988, and a Housing Element and Fair Share Plan. If municipalities want to have a zoning ordinance then a housing element is needed. The Reexamination Report used to be required every six years but this was recently amended to every 10 years. The Reexamination Report is effectively an examination of the Master Plan and not the creation of a new Master Plan. He advised that the statute identifies five specific issues that need to be addressed including the major problems and objectives relating to land development in the master plan at the time of the adoption of the last Reexamination Report, how those problems and objectives have been addressed, identification of the significant changes in the assumptions and policies since the adoption of the last Reexamination Report, the specific changes recommended for the Master Plan and development regulations, if any, or whether a new plan or regulations should be prepared, and recommendations regarding the incorporation of redevelopment plans into the Land Use Plan. He stated that the Board should identify if minor changes to the Master Plan are necessary or if the entire plan must be prepared.

Mr. Burgis noted that the 2008 Reexamination Report identified a need to acquire more open space and it recommended consideration to start a new plan including a transfer of development rights and a mandatory cluster development ordinance. The Township has reserved 223 acres of permanent open space since 2008 from 7 sites. An update to the farmland preservation element was accomplished in 2009. No mandatory cluster development rights has been adopted. The 2008 Report noted that there was a need for a new housing element and fair share plan and the new housing plan needs to be adopted to address changing and increasing affordable housing obligations. In 2015 COAH was determined to be dysfunctional. There is a constitutional obligation to provide affordable housing. The third issue in the 2008 Reexamination Report is the need to pursue sustainable development to encourage efficient use of resources and renewable energy. In 2009 a sustainable element was adopted and the Township has recently joined a sustainable energy joint meeting for discounted energy prices.

Regarding the Penns Neck Bypass, the 2008 Report expressed a concern that an alternative to the Bypass should be considered since Princeton Junction has a redevelopment plan in place and also because of the recent development of the Princeton Medical Center. He recommended that the Township work with Princeton University on an alternative solution and consider the proposed widening of Route 1 as a stop gap measure, and to coordinate the development of the Sarnoff site with the Princeton University Campus Plan. Regarding neighborhood zone districts, the 2008 Report recommended modifications because some zoning does not reflect the characteristics of the land. Pedestrian linkages should be included in the report, and recommendations for the pedestrian and bicycle plan are recommended to link the open space throughout the municipality. Mr. Burgis then noted a need to assess the remaining land because this was never done. The number of school children anticipated and the need for recreational space is a significant component for the need of a new master plan. The zoning ordinance also needs to be reviewed for possible changes.

Mr. Novak discussed the socio economic trends and demographics and stated that an analysis had been done. The population trends are noted on pages 25 and 26. The census data identified begins in 1920 and there has been a great increase in population. In 1920 there were less than 1,400 people and in 2015 the population is over 27,000, this is an increase of 1,890 percent. He stated that a lot of development has occurred recently so these numbers will increase. Mr. Burgis stated that according to the Fair Share Housing Center, there is a statewide requirement for 350,000 low/moderate housing units. 300,000 total units were constructed statewide during the 10 year period of greatest growth in New Jersey so this number is almost impossible to achieve.

Mayor Marathe noted that the student population numbers need to be corrected. C. Hoberman asked if any studies including demographics have been done about people who leave town after their child receives an education. This concerns him when community stability is needed. Mr. Novak responded that table 15 covers some of this.

L. Geevers stated that taxes have increased greatly over the years. We have an excellent school district but people are concerned about future growth and how this growth will impact their taxes. M. Huey questioned why the aging population is staying and Mr. Novak stated that there are a variety of housing types in the Township so downsizing is possible. He stated that the numbers are rough estimates. Regarding the median value, the value is greater than the County and State median value. Household income is also greater than the County and State median value. Regarding employment trends, Mr. Novak stated that there was a decrease in 2011 and more information from the community is needed.

Mr. Burgis noted the Princeton University Campus Plan was developed for the Princeton University lands and includes a transit hub and athletic facility along Washington Road and near Lake Carnegie. A number of complex issues have occurred at the same time including the proposed Hughes development, Princeton Junction redevelopment and the Princeton University campus plan. Those properties must be reviewed to determine how these redevelopments will impact the other elements of the Master Plan. The recommendation of the proposed Reexamination Report is for a new Master Plan for the municipality. The reason for this is to properly evaluate everything about development patterns. Planning is about competing interests and these are all significant issues that will be reviewed over the next few years.

SECTION 1 - the Master Plan or Reexamination Report is required every ten years. Mr. Surtees stated

that the last Master Plan was adopted in 2002, it was a long process. There is no requirement for the adoption of a whole plan, we can prepare updates for single elements. The open space and recreation plan must be updated every 10 years and this year a new plan must be adopted. Mr. Muller stated that the housing element should also be updated as soon as the numbers are determined. Mr. Surtees stated that rezoning may be needed in order to meet our obligation so many of the elements of the Master Plan will be impacted. L. Geevers recommended an Economic Plan within the Master Plan. Mr. Burgis stated that this is optional but could be considered, he will look for an example of such a plan. West Windsor has large pieces of available land and this is uncommon therefore the Board should determine how this is to be controlled.

Chair O'Brien asked about the Annual Reports from the Zoning Board. Mr. Surtees advised that there was no noticeable trends during 2017 so no changes were recommended but in 2016 there was an application for a D variance involving chickens. This resulted in the creation of an ordinance regulating livestock and pets. Several years ago there were many variance requests for small improvements to residential properties, the zoning was changed to reflect the developments in those districts so residents were not forced to go before the Zoning Board for relief. Chair O'Brien asked that the zoning board's annual reports for the past 10 years be provided to those Planning Board members who had not previously received them, to bring them up to speed. Chair O'Brien stated that a clause should be included in Section 1.1 about the population of 30,000 residents.

SECTION 2 - Chair O'Brien stated that this relates to the history and this is important so we understand how these items were treated. Mr. Burgis asked if Sections 2 and 3 can be combined. Chair O'Brien responded that this is a good idea. Mr. Surtees asked that the specific NJSA standards referenced be listed.

SECTION 3 - C. Hoberman asked how the eight developments approved recently relate to open space. Also noted in this section should be how our existing open space relates to each development. Mr. Novak stated that he will prepare a map relating to the Greenbelt area. Mr. Surtees also stated that all properties targeted as open space acquisition should be noted because funding sources are available for acquisition if they are included in the Master Plan. Regarding the Penns Neck Bypass, a bus rapid transit (BRT) system was recommended. Mr. Novak stated that this is endorsed by the Delaware Regional Planning Commission, Mercer County Planning Board and the NJDOT. Immediate action for a bus transit system is not anticipated due to the expense but bus stops may be considered in future development applications. Funding is needed for BRT along with the participation of all surrounding municipalities and Princeton University. Mr. Novak recommended something within the Circulation Element so there is an acknowledgement about the needed right-of-ways for the BRT. Funding is needed for the expansion of Route 1 therefore something should be included. Mr. Guzik stated that overhead utility lines are anticipated in 2019 and funding is needed for this improvement. Chair O'Brien stated that this could be a part of the Federal Infrastructure Program. Mayor Marathe stated that no major changes are anticipated for the NJDOT plan for the Bypass.

C. Hoberman stated that a pedestrian and bicycle connection is not apparent and this should be addressed. Mr. Guzik stated that they will integrate the surrounding properties with the Route 1 project as best they can, the town is unable to build a connection to something that does not exist.

S. Pankove stated that the FAR of the Windsor Plaza Shopping Center is not included. Mr. Burgis stated

that applications for development not in the redevelopment zone including this Center will be included. Mr. Novak stated that the zoning ordinance should more clearly specify that residential FAR calculations are not included for residential developments in the Princeton Junction Redevelopment areas. Mr. Muller stated that it is not typical to include the residential FAR calculations. Mr. Burgis stated that the non-residential FAR is included. He recommended that FAR standards should not be imposed on the second floor of a commercial property because this impacts what is required relating to apartments. Regarding the traffic signal at Clarksville and Cranbury Roads, a temporary light is in place to determine if the traffic is as bad as believed. Mr. Guzik stated that if this becomes a permanent installation then there will be several more features for this signal that are specific to this intersection. He advised that Mercer County is seeking an endorsement from the municipality.

The meeting was opened to the public to discuss Sections 1, 2 and 3.

Ayesha Hamilton, Council member, noted that the issue of economic development has come up a few times and asked for guidance on commercial square footage in town. Where it is and the nature of the square footage. Mr. Burgis stated that this will be a part of the Master Plan, not the reexamination report. Ms. Hamilton stated that perhaps this should be included. Mr. Burgis stated that the reexamination report looks at the last Master Plan and whether the goals and objectives need to be adjusted and offering that information in the reexamination report is not recommended.

John Church, Zoning Board member, referenced the population graph and stated that infrastructure limits what we can do. The roadways are clogged and this may be the reason.

Jyotika Bahree, Council member, referenced the descriptions for tables 19 and 20. The descriptions are chunky. Mr. Novak stated that they will do more research and include what they specifically incorporate.

School Superintendent Dr. David Aderhold stated that potential growth is a great concern to the school district, turnover of housing data is needed by the Township and they will share this information. Regarding housing numbers, the numbers are broken down into apartments, townhomes and single family homes. 65% of the housing stock is condominiums and there are 19,300 registered students in the district. A lot of families register before they even get housing. Only seven developments are noted but trends show that these numbers will increase. In addition there are over 2000 units that are not included so he recommended that the report include the developments that are being considered but not yet developed.

C. Hoberman stated that it is important to note the dynamics within the report.

Alison Miller, Council member, stated that she is a former member of the Parking Authority. She recommended that the planning consultant speak with them about BRT and traffic patterns and possibly work something into the design.

Thomas Letizia, Esq., legal counsel for Princeton Land Group, LLP, representing the Howard Hughes Corporation. He noted that his office submitted correspondence to the Board commenting on the draft reexamination report. He asked that the Board take the suggestions within the letter under advisement. His client is eager to work with the Township to review the development options. The Hughes parcel is the largest undeveloped tract in this area and there is an opportunity to work the Board and the community

and requested an investigation for redevelopment of this site.

Chair O'Brien stated that Section 4 will be continued at the next Planning Board meeting.

Being that no other members of the public wished to address the Board, and with no further business before the Board, Chair O'Brien declared the meeting adjourned at 9:55 p.m.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Kerry A. Philip".

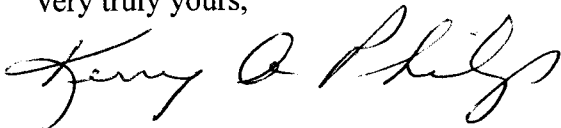
Kerry A. Philip  
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Kerry A. Philip  
Recording Secretary