

WEST WINDSOR TOWNSHIP PLANNING BOARD
REGULAR MEETING
MAY 23, 2018

The regular meeting of the Planning Board was called to order at 7:02 pm on Wednesday, May 23, 2018 by Chair O'Brien 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: Sue Appelget
Linda Geever
Curtis Hoberman
Michael Huey
Andrea Mandel
Hemant Marathe
Simon Pankove
Michael Karp
Gene O'Brien
Allen Schectel-Alt 1

There were no public comments about non-agenda items.

The Planning Board meeting schedule for the next few weeks was reviewed. There will be no meeting on May 30th, the fifth Wednesday of the month. On June 6th, the Board will continue the hearing of application PB17-08; Woodstone Property on Wheeler Way.

There is no meeting scheduled for June 13th, but can continue hearing the application for the Woodstone Property if needed.

June 20th and June 27th meetings are cancelled.

July 4th meeting is cancelled for the holiday.

July 11th, the application that was supposed to be heard concerning Cherry Grove is being postponed. However, the school district wants to make a presentation about the capital budget and the referendum relating to that.

July 18th meeting is cancelled.

July 25th meeting is a joint meeting with council to adopt the Housing Fair Share Plan.

Ordinance Review on Referral From Township Council

Counsel Muller provided an overview of the two ordinances to be discussed. Ordinance 2018-17 and 2018-18 amends the RP-1 district regulations.

The district is located immediately adjacent to the train station and includes retail space surrounding a promenade and apartments above. There has been extensive discussion between the township, lead by the Mayor, and Avalon Bay. The district was conceived as an intense development.

Avalon Bay recently challenged some of the original RP-1 regulations that were executed in 2010 and 2011 and suggested that some of these be waived. Counsel Muller touched on the principle changes and provision of a hotel, which was not permitted in the previous ordinance.

He explained that the two ordinances have the exact same wording but the reason for the two ordinances is one Amends the Township Code and the other Amends the Redevelopment Plan for Princeton Junction.

Memo from Mr. Muller dated May 16, 2018, to the Township Council outlines the changes to the RP-1 regulations.

1. The number of affordable units has increased from 98-132, though the total number of dwelling units remains at 800.
2. Retail space was decreased from 70,000 to 37,000 square feet.
3. A hotel is now permitted, which was prohibited under the previous ordinance.
4. The buildings lining the Promenade may be five stories high, although the fifth floor is to be set back at least six feet.
5. The whole development including the Promenade is oriented towards the train station, which has significantly modified the circulation system.
6. A glass pavilion is required and will be designed so that it can be closed.
7. Townhouses are now permitted. All of the townhouses will be for sale units.
8. At least 95 age-restricted units must be provided. Of the 95 units, 19 to 20 will be affordable housing. This fulfills the affordable housing obligation and is in the developer's agreement.
9. The units need not be for sale units. All of the townhouses will be for sale units but everything else may be rented.

Mr. Huey asked if the ordinance was created in the presence of a developer.

Ms. Geevers commented that the council just received this ordinance Monday.

Mr. Huey asked about the breakdown of for sale and not for sale units and was told that there will be a combination of both. Townhouses will be for sale and the rest of the residential units can be rentals.

Ms. Mandel asked if the hotel is mandatory. It is not mandatory but was added to the list of permitted uses. Avalon did not want language that makes the hotel mandatory in case there was no interest, however, it appears that there might be some interest.

Mr. Burgis made several comments about the district. He said that 16 ½ % of the units are set aside for affordable housing and this fulfills the affordable housing regulations. He did not recall if the age-restricted units would include affordable housing units.

Mr. Surtees added that in the developer's agreement, 19-20 units would be affordable and that this is in the ordinance.

There is an existing settlement in the redevelopment agreement with Intercap, who got the approval. That settlement is being revised and that concept plan and these ordinances will be exhibits in that settlement. The written ordinance will produce what the concept plan is showing and that will be part of the settlement that Avalon and the township council will sign.

There will be a glass-enclosed area in front of the promenade. Mr. Burgis is very pleased with this plan, and Avalon Bay has responded well to this design. He thinks it will be as asset to the overall project.

There was a lot of discussion concerning the marketability of the retail space and the reduction of retail space from 70,000 square feet to 37,000 square feet. Reducing the retail space made room for an increase in the number of units. Permitting a hotel makes sense from a design perspective.

There are a number of townhouse regulations to accommodate the townhouse development. Townhouses will be for sale units and everything else can be rental.

Mr. Burgis concluded that these are the principle changes and the rest tweaks the ordinance to refine some of the regulations governing signage and to make the ordinance more readable.

The statute provides for determination of consistency with the current master plan and given the modifications, it is consistent with the overall intent of the Princeton Junction redevelopment concept.

Mayor Marathe made some comments since he was involved in the first concept plan while on council and stated that it looks very nice. They started with the agreement that existed before and added extra affordable housing and spending on infrastructure, which is very important. This will be presented to council on July 11, 2018.

Ms. Geevers commented that the importance of having a very nice restaurant and bar was discussed, and she asked what the plan concept was for the hotel.

Counsel Muller addressed Item 6 on the memo concerning the glass pavilion. It is designed so it can close and there have been negotiations between the redeveloper and Kevin McManimon about the feasibility of this. This is in the developer's agreement and will be resolved before the June 11th meeting with council.

Mr. Surtees spoke to Mr. McManimon today and he is composing a letter to the Mayor outlining the issues.

Mayor wanted to clarify that this issue would be brought before the Planning Board at least twice once the concept review is approved and was told that the concept review is part of the settlement agreement so that is the reason for the exhibit.

Mr. Burgis walked through the exhibit and made several comments.

- There is a large parking lot at the lower part of the development.
- Green color indicates a large promenade.
- A hotel is a prominent feature of the promenade.
- The applicant is proposing a rooftop restaurant and bar.
- Avalon Bay is urging an architectural design that makes a true statement and is a calling card for residents.
- A number of multi-family units will be to the right and left of the promenade.
- Two buildings in front of the promenade measure 37,000 square feet for retail.

Chair O'Brien asked if the retail space is the green space in the middle of the display and will it be constructed as an atrium.

Mr. Burgis said the green space is a swimming pool and recreation amenities for the residents.

- There is a townhouse development and additional multi-family units, making a total of 800 dwelling units and approximately 1,460 parking spaces.
- There is a provision in the ordinance that indicates if the applicant can provide sufficient analysis to indicate that the proposed parking ratios are more than sufficient to accommodate demand and they can do with less; given where they are located in relation to the train station, the applicant would then be entitled to appear before the board to make the argument that they don't have to meet the full totality of the number of parking spaces. This would require a detailed analysis.
- He does not recall how much green space there will be.

Chair O'Brien asked that given the proximity to the northeast corridor rail line, has there been any discussion about sound protection?

Mr. Burgis replied that there has been some discussion with Avalon Bay. There was information about sound abatement when Princeton Terrace was done since they are up against the northeast corridor. There is nothing in the ordinance but in an effort to keep the tenants happy sound proofing techniques were used in the construction.

Mr. Schectel asked if it would make sense to put some standards in the ordinance concerning sound proofing techniques.

Mr. Schectel also asked if there are any standards, such as lobby size, providing a gym, number of restaurants, etc., in the township ordinance concerning what makes a quality hotel since the hotel is a focal point. Mr. Burgis said that none of the definitions go into that detail about the hotel. It is left up to the developer and the hotel brand.

Chair O'Brien asked if a hotel brand has committed to this location yet.

Mr. Burgis is not aware of any commitments.

Ms. Geevers commented about restaurants on main floor but was surprised to hear about a rooftop restaurant because the train station is right there.

There has been talk of a Capital Grill type restaurant on the first floor in the retail space.

Mr. Schectel commented that that is a high-end restaurant chain so this may indicate that the quality of the hotel will be more upscale.

Mayor added that a couple of restaurant names have been mentioned and the ones mentioned look to be more upscale.

Mr. Hoberman asked if there are other use changes, in addition to townhouses and hotel now being permitted.

Mr. Burgis said that outdoor dining is now permitted, which was not part of the original code.

Chair O'Brien opened it up to comments by the Board members.

Mr. Muller talked about the e-mail from Alison Miller, which outlines a few concerns about the ordinances. She is concerned about size requirements for affordable units and the width of the sidewalk being narrowed by sidewalk furniture.

Ms. Geevers asked Counsel Muller what the vision is for the promenade. Originally, years ago they thought the farmer's market would be interested in this space.

Mr. Hoberman responded that they are not interested; they like where they are. This, however, was left in the ordinance as an option.

Mr. Pankove said that last he heard about this site, Intercap had a lawsuit against the township and in the settlement, what they were going to get from Intercap at the planning board level did not give much leeway to do anything. Intercap always indicated that this would be a point of destination in the township and when people leave the Princeton Junction train station they will stay in the area to enjoy the amenities. It is concerning to him that the retail space was decreased from 70,000 to 37,000 square feet and he wonders what the promenade will be used for. He does like that this opens up the settlement agreement and allows some manipulation of it so maybe it would become a better product than what was left by Intercap.

Ms. Geevers commented that while there is a decrease in retail space, the hotel offsets this and may create some excitement and fine dining that will draw people there.

Mr. Karp said that 37,000 square feet is not a small area by any means and this area is pretty concise and dense.

Mr. Karp asked Mr. Burgis how the green space in the Promenade relates to Palmer Square in size.

According to Mr. Burgis, the green space in the Promenade is much bigger.

Mr. Karp said that they have bands and food festivals in downtown Princeton and, if the size is double or triple that of Palmer Square, there is no reason that they can't do some of these things.

Ms. Geevers compared the green space to a football field and was told that the green space is about 50,000 square feet. One suggestion was having a flea market at the promenade.

Mr. Burgis said that the green space is also an open area for residents to use.

Other suggestions for this area included Craft beer festival and a temporary stage and benches for outdoor music festival. It is big enough to do a lot of things.

Mr. Burgis added that it is designed as an amphitheater and that would give the ability to use this as seating for concerts.

Mr. Hoberman expressed concern about the success of this district at the town level. He compared it to Forrestal Village, which did not work. The Marriott thrived for a time but the retail element went nowhere and over the last 30 years, many changes had to occur to get it to what it is today. He wants to make sure that doesn't happen and the mixed uses that are being proposed are viable.

Chair O'Brien asked about the phase plan.

Mr. Burgis said that COAH regulations mandate that apartments and affordable housing are built first.

Ms. Mandel questioned how much parking is available for people who do not live there and where people who come to shop and dine will park.

Mr. Burgis said that structured parking is all for tenants who will rent. There is no parking for commuters. There is on street parking and the ordinance mandates that all internal streets have parallel parking for non-residents. Also, the hope is that on the weekend, an arrangement will be made with the parking authority and NJ Transit to permit cars to park at the train station for weekend events. A meeting needs to be set up with NJ Transit, Department of Environmental Protection and

Department of Transportation; however, these state agencies will not meet until they are sure that the township is on board with this concept and a plan is approved. The township engineer, Mr. Guzik, is looking to schedule a meeting once an agreement is approved. The Mayor will be a part of this and will petition for issues that affect circulation, such as wetlands and working with NJ Transit to provide a walkway for visitors and residents, from the promenade to the train station.

In regards to the 37,000 square feet of retail space, Mr. Hoberman asked Mr. Surtees to provide a comparable within the township. Ellsworth's has 53,000 square feet of retail space. Also, the property at 55 Princeton-Hightstown Road will be redeveloped. There is retail space on the first level and two stories of apartments. District 7, on the east side of the railroad tracks will have about 150,000 square feet of retail, which may be difficult to fill.

Chair O'Brien asked all board members for any additional remarks to be sure all questions and comments are considered.

Mr. Schectel had no additional remarks.

Ms. Appelget had no questions, but mentioned Southfield Shopping Center as a comparison for retail space.

Mr. Surtees said that McCaffrey's shopping center is 100,000 square feet.

Mr. Hoberman added that it does not appear that they need to worry about the drop in square footage of retail space to 37,000 because there is ample retail in the greater area.

Mr. Pankove added that the arts council might be interested in using the promenade space.

Chair O'Brien asked who controls the use of promenade.

Mr. Burgis said that in the settlement agreement, it is up to Avalon Bay since they will provide security, clean-up, etc. It is Avalon's private property so they will come up with whatever agreements are needed to use the area.

Counsel Muller added that this would be in cooperation with the township.

Ms. Geevers asked about established rules of usage for the promenade.

Mr. Burgis said that the redeveloper, Mr. McManimon, said that there will be an exhibit stating what the requirements will be for usage and this will be provided to the Mayor.

Mr. Huey went through Ordinance 2018-18 page by page and suggested several changes:

Page 2, Item (2c): A period should be added after Hotel.

Page 3, Item (3e): Add the word **and** before delicatessens.

Page 5, Item (6): Mr. Huey thought that 95% seemed high.

Mr. Burgis said that this is accurate.

Page 6, Item (8); Parking Requirements: Mr. Huey asked if, with the addition of the townhouses, does the 1.4375 calculation for off-street parking take into account the number of bedrooms in the townhouses.

Ms. Geevers added that there will be a garage in the back of the townhouses.

Mr. Burgis said that 1.4375 is the current standard in the current ordinance and came from a study that is done for multi-family units. It does not reflect the townhouse development because it was not in the original plan. He suggested that RSIS standards on townhouses apply for the townhouses.

Mr. Huey asked about making it a condition to recalculate the number since 1.4375 is very specific.

Mr. Schetel added that the calculation should have to change because of the townhouses.

Mr. Burgis said that RSIS standards apply to the townhouses regardless.

Chair O'Brien asked if the existence of RSIS would override this provision.

Mr. Burgis replied that you have to follow RSIS standards for the townhouse development.

Mr. Schetel asked about RSIS standards for apartments.

Mr. Huey commented that the ordinance doesn't really indicate what is off-street parking.

Mr. Burgis said that the RSIS standard for townhouse development includes parking standard for visitors and that this is already incorporated in the calculation.

Mr. Huey thought that 1.4375 spaces is high for visitor parking.

Mr. Burgis responded that this number reflects spaces for both visitors and the apartment units.

Mr. Huey suggested that the language be changed to say that the standard is based on RSIS.

Mr. Burgis did not think this was necessary because RSIS standards for townhouses would be applicable here.

Mr. Surtees added that this is a state statute so does not need to be referenced in the ordinance, but has to be abided by.

Mr. Huey is uncomfortable having a number that does not take the townhouses into account.

Mr. Schectel said that there is a state statute for apartments as well and thought that it would not hurt to include something in the ordinance about townhouses.

Chair O'Brien asked if the standard for apartment units is higher or lower than 1.4375.

Mr. Burgis said it is higher for garden apartment complexes; 1.8 spaces for a one bedroom, two spaces for a two bedroom, and 2.1 for a three bedroom. This standard may not apply to this development because it is a multi-use development.

Counsel Muller added that RSIS does not apply to mixed use and does not apply to apartments.

Chair O'Brien asked the Board if they were comfortable that the 1.4375 will apply to apartment units and a different standard will apply to the townhouses. If so, the first sentence of Item (8) on Page 6, Parking Requirements, should be amended to replace per residential unit with per apartment unit. In addition, a sentence should be added referencing RSIS standards for townhouses.

Mr. Huey said that RSIS standards specify a specific number for off-street parking and if there is going to be a garage, then that number is going to vary.

Mr. Burgis' response was that the garage is part of the off-street parking number and the 1.4375 does not include the townhouses. The RSIS standard dictates the townhomes.

Mr. Burgis confirmed that the Parking Requirements section of the ordinance should read 1.4375 off-street parking spaces per apartment unit be provided within the District. RSIS standard should apply for townhouses.

Ms. Geevers inquired if townhouses will be for sale and Mr. Burgis said they will be for sale units.

Page 9 Item (h): Mr. Huey suggested that parking **for** shared car services should be changed to parking **to** shared car services. It was decided this should be left as it is.

Page 9 Item (i): 5th line down, there should be a comma after loading areas.

Page 9 Item (3c): 3rd line down, remove **that** and remove **within two years of planting**. The use of the two-year time frame conflicts with the use of perpetuity concerning the replacement of plants that die.

Mayor Marathe said that he interpreted this to mean that plants will be replaced as often as needed within the first two years with no limit, but after two years this no longer applies.

Page 10 Item (4c): Remove **so as**.

Page 10 Item (4d): Suggested continued should be replaced with continuous. This will remain as written in the ordinance.

Page 11 Item (j): Mr. Huey questioned if 24-stacked townhouses seems like a lot.

Mr. Burgis said it is 12-16 units attached and the linear dimension is the same.

Page 13 (t): 7th line down, **as shall the doors** should be changed to **including the doors**.

Page 14 Item (x): Mr. Hoberman pointed out that in the last line, corner is misspelled as comer and needs to be corrected.

Page 16 Item (7c) Signage: The word **these** at the end of the first line, should be changed to **this** since it is a singular district.

Page 8 Item (2a): Ms. Miller in her memo suggested that the word **provide** be added before convenient.

Since there are no additional comments from the Board, the assumption is that the comments that pertain to Ordinance 2018-18 will apply to 2018-17 as well.

Mr. Hoberman said he is appreciative of the care taken in the crafting of the ordinances to use such robust language, such as “We want buildings with character” and “We don’t want land and walls”.

Chair O’Brien asked if there are any public comments on these ordinances.

Ms. Alison Miller, who is a council member, said that the Board has done what she asked and has reassured her that affordable standards will apply. There is nothing in the ordinance that would preclude the Planning Board from ensuring that full access on the sidewalk would not be lowered by the street furniture. She feels good about the future of this.

Mr. John Church, who is a member of the Zoning Board, talked about the one big change from Intercap that the townhouse units will be for sale.

Counsel Muller said that there will be 650 apartments for rent and 150 townhouses for sale.

Mr. Burgis said that he does not know if there will be any rules from the homeowner’s association that would prevent a townhouse owner from renting.

Ms. Appelget asked if the word liner in Ordinance 2018-17, Page 10 Item (c) was correct, or should it be linear. Liner is the correct term.

Chair O’Brien said that the ordinances have been referred to the Planning Board for review and questions of whether it should be adopted by council and signed by the Mayor.

Chair O’Brien thought that because both ordinances are so similar that they can be dealt with in the same motion and he recommended the adoption of these two ordinances by township council.

Mr. Karp motioned for approval of two ordinances 2018-17 and 2018-18 with amendments.

Mr. Pankove seconded the motion.

Motion to recommend approval by council of ordinances 2018-17 and 2018-18.

Chair O'Brien asked if there was any discussion on the motion.

Mr. Burgis stated that the statute identifies that this ordinance is generally consistent with the Master Plan of the township.

Mr. Schectel did not need to vote. Voice vote was taken; all approved.

Mr. Surtees will convey the action from the board to council. Counsel Muller will have an official memo from the board to council with the changes.

Agenda Item 5: Master Plan

Chair O'Brien said that this is a continuation of the review of the 2018 Master Plan Reexamination Report. Two weeks ago the Board received Issue 3.0 from the Township Planner, Mr. Novak.

Chair O'Brien provided some minor typographical comments to Mr. Novak in the Planner's office. Mr. Novak agreed with the changes, so Chair O'Brien does not feel that it is necessary to go through them and the Board was fine with this.

Chair O'Brien said that there are few substantive matters that need to be addressed.

Page 19 Item 9 Comments section: The bridge is a state owned bridge, not county owned. The road is owned by the county, but the bridge is state owned and this was confirmed by Mr. Surtees.

Page 85 Clarksville Road Bridge: In paragraph two, county-owned bridge needs to be changed to state-owned bridge.

Page 49 next to the last paragraph, it makes reference on the 2nd line to Table 8. That did not seem correct. Mr. Novak was going to remedy that.

Mr. Novak responded that instead of Table 8, it should read Figure 10. He said that Figure 10 and 11 are similar and the increase and decrease occurred in similar years for both Covered Employed Units (Figure 10) and Average Covered Employment (Figure 11).

Page 70, Council on Affordable Housing section, toward the end of the paragraph. Chair O'Brien inquired as to why there is no specific mention of court-imposed requirements for 1500 units in West Windsor. He asked if it was appropriate to add a sentence to that effect.

Mr. Novak has no objection to adding this.

Mr. Burgis said that there are two motions before the court and went on to explain.

Chair O'Brien withdrew his question and no action will be required.

Page 69: Chair O'Brien requested that this "run-on" sentence be broken down into a few smaller sentences.

Mr. Novak agreed with that and will make this change.

Page 9 Table 1: Ms. Mandel thought that the correction has already been made to Figure 2-Map of Preserved Open Space Properties. She believes that the space has been fully preserved since 2008.

Mr. Pankove identified that the list of Members of the Planning Board needs to be updated to reflect Terri Jany as the Recording Secretary and Lisa Komjati as Administration Secretary.

Ms. Geevers inquired about the classes after some of the names and asked if it should be consistent for all of the names.

Mr. Novak said he took this straight from the website.

Page 10: Mr. Pankove asked, if for consistency, item #1, the Duck Pond Park, should have a date included, since items # 2, 3, and 4 all include dates that each feature was installed or opened, just for consistency.

Mr. Surtees asked if he wanted a date for each use that was opened. He said that Duck Pond Park was bought in 2001 but they are not sure when each field was put in and every year something new goes in. He will check with recreation.

Page 12: Mr. Pankove suggested that the medical center should be named; Penn Medicine Princeton Medical Center, and, if it is used in other areas of the document, it should be named there as well.

Page 54: Mr. Schectel noted that the Q should be removed from the notes on the map, since the Q is reflected in the Table on page 53.

Chair O'Brien referenced the very last map in the document, which shows that the borough is nested in Princeton Township.

Mr. Novak is going to try and remove the map. He said it is from the Mercer County Master Plan.

Mr. Surtees said that this should not be removed because it is a county document.

It was decided that the map should remain in the document.

Ms. Geever commented that this is the 3rd version and it is a lot of work and a lot of detail. She thanked the planners and professionals for all of their efforts. It is time to move on to adopting the Master Plan Reexamination Report.

Chair O'Brien asked for comments by members of the public on Version 3.0 or any business related to the Master Plan Reexamination Report.

Mr. Richard Goldman from Princeton University thanked the Board for all of the effort and work that has gone into the review of the Reexamination Report. He is very interested because they are about to embark on a planned expansion of the university. The design team has begun preparation of the actual master plan for the West Windsor campus. They plan to come before the Board in the fall looking for development plan approval. He said they have been working in tandem with development of the Reexamination Report plan and designing at the same time. The work by the Planning Board has helped guide them and he is looking forward to a great and long time partnership.

Since there were no other public comments or comments, questions or observations by the Board, Chair O'Brien requested movement to adopt the Reexamination Report 3.0 Model as modified.

Moved by Councilwoman Geever and seconded by Mr. Huey.

Motion to approve the Reexamination Report Version 3.0 with the comments and modifications that have been discussed with the planner.

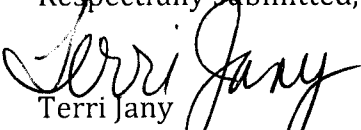
There were no further comments.

Mr. Schectel will not need to vote. Voice vote was taken; all approved.

Chair O'Brien thanked the planners, staff and members of the public for attributing to what the Board hopes will be a valuable document as they move forward.

Meeting was adjourned at 8:38 pm.

Respectfully submitted,


Terri Jany
Recording Secretary