

WEST WINDSOR TOWNSHIP PLANNING BOARD
REGULAR MEETING
May 15, 2019

The regular meeting of the Planning Board was called to order at 7:08 pm on Wednesday, May 15, 2019 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 on May 9, 2019.

ROLL CALL AND DECLARATION OF QUORUM

Sue Appelget
Linda Geevers
Michael Huey
Andrea Mandel
Hemant Marathe
Simon Pankove
Michael Karp
Gene O'Brien
Allen Schectel- Alt I

There were no public comments on non-agenda items.

APPLICATION:

PB18-01
Pamela Schnitter
Reconsideration of Prior Decision

This application pertains to the Resolution of Memorialization for an application filed last year by Pamela Schnitter. On April 17, 2019, the Planning Board approved a motion to reconsider the Resolution of Memorialization that was approved on January 23, 2019.

After discussion and issues raised by Mr. Guzik and Counsel Muller, no action was taken on April 17, 2019. The Board approved a motion to table this until next meeting.

Mr. Pankove made a motion to reconsider Resolution of Memorialization, seconded by Ms. Geevers. Motion approved by voice vote.

Counsel Muller explained that the modified resolution reflects dedication to township by easement.

Ms. Geevers asked if this would affect the amount of property tax.

Mr. Guzik said that taxes would be reduced if dedicated by deed. This is dedicated by easement so the FAR calculation is based on the entire lot area of property. An easement is taxable.

Ms. Appelget asked what the difference in the size of the house would be if dedicated by deed versus easement.

Mr. Surtees said that with easement, a 2,607 square foot house can be built. Before the modification, the size would have been 2,316 square foot.

Ms. Mandel is concerned that the language on page 4 in red is setting a precedent that anybody paying property taxes would have additional rights.

Counsel Muller said that the language is to limit it to this application and not invite other people from getting FAR on lots where the road is built over.

Mr. Pankove made a motion to approve the revised Resolution of Memorialization. Seconded by Mr. Huey. Motion approved, 9-0, by roll call vote.

A member of the public asked if the environmental study had been waived.

Mr. Guzik advised that it has been waived as reflected on page 6 and the top of page 7.

February 6, 2019 Meeting Minutes:

Page 2, third paragraph under "Application", Ms. Appelget pointed out that "6,887 acres" should be "6.887".

Page 2, fourth paragraph under "Application", "Building" should be "Buildings".

Page 2, seventh paragraph under "Application", Mr. Huey requested that the sentence be changed to "Mr. Huey raised concern that the report is unreadable because of the lack of spacing between the words".

Page 5, Ms. Mandel requested the second sentence be changed to "She is concerned that anyone can enter at dangerous points".

Page 8, fourth paragraph from the bottom, third sentence, "Guzik's" should be "Guzik".

Mr. Pankove made a motion to approve the February 6, 2019 minutes with changes, seconded by Mr. Karp. Motion approved by voice vote.

March 27, 2019 Meeting Minutes:

Page 1, "There **were** no public comments on non-agenda items".

Page 2, fifth paragraph, "noting the ordinance is" after the comma and before "consistent" should be added.

Page 2, fourth paragraph under Ordinance 2019-08r, "noting the ordinance is" after the comma and before "consistent" should be added.

Page 2, fifth paragraph under Ordinance 2019-08r, Ms. Geever requested the second sentence be changed to "She thinks that the township should start a discussion on this subject and become familiar with what is being proposed at the state level".

Page 2, eighth paragraph under Ordinance 2019-08r, "existing" should be added before "ordinances" and a semi-colon should be added after "void".

Page 2, ninth paragraph under Ordinance 2019-08r, "recent" should be added before "League" and "Conference" should be added after "Municipalities".

Page 3, second paragraph, add, "Council President" after "Ms. Miller".

Ms. Geever made a motion to approve the March 27, 2019 minutes with changes, seconded by Ms. Mandel. Motion approved by voice vote.

MASTER PLAN:

The next order of business is the consideration of two minor amendments to the Housing Element and Fair Share Plan (HE&FSP) that the Board approved on February 27, 2019 and Council endorsed on the same evening. Counsel Muller said that in his "Amendment to Housing Element and Fair Share Plan" memo dated April 25, 2019, second page, last line, date should be June 30, 2022. He said that the amendments discussed have already been approved by the court as part of the approval of the Fair Share Plan.

The first amendment deals with the Garden Home Site and the language that was in the Housing Element and Fair Share Plan previously approved by the Board. Burgis Associates used the most current mapping that they had available to them. This mapping could be read to indicate that there were areas of the site that were to be developed, pursuant to the concept plan, that were not developable. Garden Homes was asked to have an environmentalist and other professionals provide a map to show that there were no environmental constraints barring development of the site. This, along with a report, was submitted to the court as part of the HE&FSP with appendices. Appendix 10 in the Supplemental Appendices Book 2 shows that the site is developable. The court accepted this, and the Garden Homes development was approved.

The second amendment addresses one of the conditions in the settlement approval with respect to Princeton Theological Seminary Phase 2. They intend to move students from the campus in West Windsor to the Princeton campus. Once the transfer is made and the property is sold to a private developer, 48 units, 20% of them affordable, must be identified.

Counsel Muller said that the seminary is firm in its decision to move the students. Approval must be obtained from Princeton so that they can make changes and improvements to the existing Theological campus to accommodate all the students in Princeton. West Windsor will know well before the 2022 date whether this is going to happen.

Chair O'Brien said that the February 27, 2019 document approved by the board is being modified to capture language that was already approved by the court. The Special Master suggested the dates in the amendment.

Alison Miller, Council President and resident of 41 Windsor Drive, was sworn in. She asked Counsel Muller to provide a memo stating that West Windsor has 2½ years to find 48 units once the students are transferred. Counsel Muller said they have 2 ½ years to identify a mechanism and an additional year to put the mechanism in place. He will provide a memo for council.

Chair O'Brien said that there is a surplus, so 48 units may not be needed.

Mr. Surtees added that the LOI expired for one of the properties designated for affordable units. This will produce 20 affordable units. Another property owner will produce 22 units, so that is 42 of the 48 required.

Mr. Pankove made a motion to close the public hearing, seconded by Ms. Geever. Motion approved by voice vote.

Mr. Schectel made a motion to adopt Resolution 2019-r-07 with two modifications to the Housing Element and Fair Share Plan that was approved on February 27, 2019. Motion approved, 9-0, by roll call vote.

LIAISON REPORTS:

a) Environmental Commission

Ms. Mandel reported that the Commission is still working on Sustainable Jersey Certification that is due on June 2, 2019. They had their last formal meeting but will meet one more time to go over their submission. They have enough points to qualify for the silver certification.

The next meeting will be on June 13, 2019 at 7:30 pm. A representative from the Water Shed Institute will conduct a short talk on the Rain Water bill.

The Green Development checklist has been instituted and was used by Nassau Park. The commission has asked the Planning Department to let them know if there are any issues with the format.

The Planning Board, Council and some people from the Senior Center were invited to the Autonomous Vehicle Summit in Princeton. Ms. Mandel said they were able to go into an Olli vehicle and look around. The producer of the Olli Vehicle is coming up with a vehicle with higher range at the end of the summer.

Chair O'Brien asked Ms. Mandel to ask the appropriate person to update the Environmental Commission webpage with dates and terms.

b) Affordable Housing Committee

Mr. Scheetel reported that they discussed ways to spend the trust fund money. Some suggestions included subsidizing closing costs, vouchers for Uber or Lyft, and weatherization of units.

Mr. Surtees handed out packages for the next meeting and a projection sheet. He advised that the Planning Board will meet every Wednesday in June.

With no other business before the board, Chair O'Brien adjourned the meeting at 8:04 pm.

Respectfully submitted,

Terri Jany
Recording Secretary