

WEST WINDSOR TOWNSHIP PLANNING BOARD
REGULAR MEETING
August 14, 2019

The regular meeting of the Planning Board was called to order at 7:07 pm on Wednesday, August 14, 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 August 8, 2019.

ROLL CALL AND DECLARATION OF QUORUM

Sue Appelget
Linda Geevers
Curtis Hoberman
Andrea Mandel
Michael Huey
Hemant Marathe
Gene O'Brien

There were no public comments on non-agenda items.

MINUTES: JUNE 26, 2019

- Page 3, Exhibit A5, "moth balled" should be one word, "mothballed". Second paragraph under Exhibit A5, add "the" before Bristol Myers Squibb in the second sentence.
- Page 5, first line of second paragraph should be changed to "In response to an earlier question about adequate parking for the restaurants, according to information published by the Institute of Transportation Engineers, the average parking for fast casual restaurants at peak time is 80 vehicles".
- Page 5, fourth paragraph, first sentence should be changed to "Mr. Huey brought up concern for a single-sided flashing light". Second sentences should start with "Mr. Guzik indicated".
- Page 7, Exhibit A2, second sentence, "moth balled" should be one word, "mothballed".

Ms. Mandel made a motion to approve the June 26, 2019 minutes with changes; seconded by Mr. Appelget. Motion approved by voice vote. Mr. Hoberman abstained.

RESOLUTIONS:

- a) PB19-04 Nassau Park-Gateway Out Parcel
Counsel Muller explained that the application to construct four uses in the Gateway area of Nassau Park Pavilion will require one variance and several waivers. Building 5 will be mothballed, so FAR will not be increased.

Chair O'Brien went over three changes:

- Page 1, Item 1, fourth line from the bottom, "southwest" was changed to "southeast".
- Page 7, Item 19, third paragraph, Mr. Yates' name was removed, since he did not attend the meeting.
- Page 16, last sentence in Item u, "building" should be plural, "buildings".

Mr. Huey made a motion to approve Resolution of Memorialization for application PB19-04 with changes; seconded by Ms. Geevers. Motion approved, 6-0, by roll call vote.

b) PB19-05 Nassau Park-Kohl's Out Parcel

The proposal is to use a part of the Kohl's parking area for an 8,000 square foot retail building. The building to be mothballed, so FAR is not increased, will be identified at the time of the zoning permit. A variance for MIC and a series of waivers are necessary.

Chair O'Brien went over two changes:

- Page 1, Item 1, sixth sentence, the second "southwest" should be changed to "southeast".
- Page 7, Item 20, third paragraph, Mr. Yates' name was removed, since he did not attend the meeting.

Ms. Appelget made a motion to approve Resolution of Memorialization for application PB19-05 with changes; seconded by Ms. Geevers. Motion approved, 6-0, by roll call vote.

c) PB10-09 2nd Amendment-Robert Carey White (aka Amit Mehta)

Counsel Muller explained that this is an amendment to a condition of approval granted to Rob White for a subdivision. The applicant is requesting the setback be reduced from 90 feet to 65 feet. The Board requested that two Oak trees on the property be preserved. There is a shared driveway.

Mr. Hoberman made a motion to approve Resolution of Memorialization for application PB10-09; seconded by Ms. Appelget. Motion approved, 5-0, by roll call vote.

ORDINANCE REVIEW ON REFERRAL FROM TOWNSHIP COUNCIL:

Chair O'Brien said that three ordinances were referred from Council for discussion. Ordinance 2019-22 and 2019-23 are the same.

a) Ordinance 2019-22, to amend permitted uses in the RP-7 District in P.J. Re-Development Plan.

Counsel Muller explained that Ordinance 2019-22 and 2019-23 are permitting non-residential uses on the first floor, as opposed to what was originally planned. The changes are consistent with the Master Plan.

Ms. Geevers asked if "non-residential uses" is defined anywhere in the code.

Mr. Novak said that the ordinance speaks of stores, shops, personal service establishments and offices. Mr. Surtees said that there are definitions of personal services and offices in Section 200-4 of the code.

Counsel Muller agreed to replace "non-residential uses" and specifically state "stores, shops, personal service establishment and offices", on both ordinances.

Susan Abbey, Chair of the Zoning Board, asked if there is a limitation on banks. Mr. Surtees advised that banks would not be permitted. Daycare centers are not permitted either.

Ms. Geevers made a motion to close the public hearing; seconded by Mayor Marathe. Motion approved by voice vote.

Ms. Mandel made a motion to recommend that Council approve Ordinance 2019-22 with revised language, noting that it is consistent with the Master Plan; seconded by Ms. Geevers. Motion approved, 7-0, by roll call vote.

Ms. Appelget pointed out that "Princeton" is spelled incorrectly in the heading of the ordinance.

b) Ordinance 2019-23, to amend permitted used in the RP-7 District.

The same language changes in 2019-22 are suggested for Ordinance 2019-23.

Susan Abbey, Chair of the Zoning Board, was advised that this ordinance refers to the same tract as Ordinance 2019-22.

Ms. Geevers made a motion to close the public hearing; seconded by Ms. Appelget. Motion approved by voice vote.

Ms. Appelget made a motion to recommend that Council approve Ordinance 2019-23 with changes, noting that it is consistent with the Master Plan; seconded by Ms. Geevers. Motion approved, 7-0, by roll call vote.

c) Ordinance 2019-24, to amend permitted uses in PMN District.

Chair O'Brien explained that the ordinance with language written in red is an alternative to the original language in black. If the Board agrees to this change, it would be considered a subsequent change. The revised ordinance would be reintroduced by Council and referred back to the Board.

Eric Cohen, Director of Development for Toll Brothers, feels that the language requires the space be planned in a way that will not allow supply and demand to take place. It limits certain tenants, as well as the ability for this location to be successful.

Susan Conlon, resident of 98 Harris Road, asked for clarification of the location. Mayor Marathe advised that this is the new Toll Brothers Development on Bear Brook Road.

Mr. Surtees advised Mr. Hoberman that there are no other zones in West Windsor besides the Maneely Tract that this would affect.

Mayor Marathe said that the idea behind the proposed language change is to give flexibility and not force one type of food store.

Alison Miller, Council President and resident of 41 Windsor Road, explained that when this development was first zoned, one theory was it would be a town center. If everything was an office, it really wasn't a town center. Project Freedom got their financing partially on the premise that they could walk to a place from their building. If there are only offices, there is no place to walk.

Council thought that the Planning Board could discuss requiring one store to be some kind of food establishment. Original zoning called for a convenience food store but Council thought that was too specific and any food store would be more flexible. However, a minimum square footage was not discussed. It may be easier to get a food store when offices are occupied. If the Planning Board rejects this requirement, she asks that the language at least state that it is encouraged.

Chair O'Brien announced that the public hearing would stay open while the Board is in discussion.

Ms. Geevers thinks that Project Freedom occupants and office workers need a food place nearby.

Ms. Appelget was told that funding for Project Freedom was not contingent on a food establishment coming to this space.

Mayor Marathe thinks it is unfair to put pressure on requiring a food store because of Project Freedom.

Mr. Surtees asked if permits for leasing space, other than the 600 square feet being held for a food establishment, could be issued. Or do all permits have to be held until a food establishment is guaranteed.

Chair O'Brien said that the new language stipulates 600 square feet would be held back for a food place.

Mallie Timiraos, Retail Portfolio Director for Toll Brothers, said that they have been actively marketing this site for a year and a half. The contract has been in place since May 2017. Leasing this space has been a challenge. There is a vibrant community at this project site and they want a vibrant entrance to the project as well.

Ms. Timiraos confirmed that the space is currently a slab floor with no partitions or lines of demarcation. One building is 11,000 square feet and the other is 9,000 square feet. The space is fully open, so if permissible, there is the option to lease the space to a single tenant. There is no commitment at this time.

Ms. Timiraos said that retail looks at day visibility as a potential for success. There is not a natural visibility on Bear Branch Road. In general, it is a high risk for retailers to come to a site without an anchor or other co-tenants. There is also the habit-forming aspect. Creating a new space is a different challenge from a space that people already frequent. Office users are more confident to take a leap of faith.

Ms. Mandel asked if there are any rules that would prevent this from becoming one single large corporate office space.

Mr. Surtees said that could happen, but did not think that a Fortune 500 company would do that in this location. Mayor Marathe added that there is a lot of office space in Carnegie Center.

Mr. Hoberman was advised that a 7-11 or Wawa type store requires about five to six thousand square feet.

Chair O'Brien said that the market at the corner of Alexander Road and Princeton-Hightstown Road is what he used as the basis for suggesting 600 square feet. The Board needs to decide if the suggested language by Council should be used or if the original language should remain.

Ms. Appelget feels the language should state that a food outlet be "strongly encouraged" instead of "required".

Mr. Huey agrees with the original language with the addition of "strongly encourage".

William Rutledge, resident of 19 Scott Avenue, questioned if the current zoning requires retail only and if the reason for considering re-zoning is to allow offices.

Chair O'Brien said an attorney prepared the language that was suggested by Council, and it was he who put the alternative language before the Board.

Alison Miller, Council President and resident, said that Council suggested any kind of food store. Also, they decided to allow offices because Toll Brothers was having trouble leasing the space.

Mr. Surtees said that there is no definition change between food store and food outlet.

Ms. Wong, resident of 9 Scott Road, said that there are no food outlets on one side of the tract so a food establishment is important.

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

Mayor Marathe made a motion to recommend adoption of the ordinance as submitted to the Board but changing "convenience food store" to "food outlet" and adding "strongly" before encouraged, noting that it is consistent with the Master Plan. Seconded by Ms. Appelget.

Mr. Huey made a motion to amend the main motion and remove "required" before "nonresidential", seconded by Mayor Marathe. Motion to remove "required" approved by voice vote.

Motion to recommend adoption of the ordinance as submitted to the Board, with changes, was approved, 7-0, by roll call vote.

MASTER PLAN WORK SESSION

Mr. Novak, P.P., Burgis Associates, explained that this session is to discuss potential land use changes throughout the township.

Map 4 is the Edinburg area at the southerly end of the township. Two of the highlighted areas are existing areas along Edinburg Road and Old Trenton Road. They are presently developed with commercial and retail uses on the first floor and apartments on the second floor. They are located in the R1-C zone, so the uses are not technically permitted. There has been discussion to make the land use classification more specific to that area by rezoning and looking at ways to make these existing uses conforming.

The third highlighted area is farther along Edinburg-Windsor Road and is also in the R1-C district. There was interest in putting retail, office and commercial storage in that existing non-residential development.

Mr. Hoberman was advised that currently there is a Jewish Synagogue, Christian Church and a childcare center in that location.

Mr. Surtees said that making the uses permitted would encourage reinvestment in the property and make it unnecessary to go before the Zoning Board.

The Board needs to decide if the pieces of land should be conforming or left non-conforming. If made conforming, staff would speak to property owners and amend the Land Use Element. At a future date, ordinances would be created to make them conforming.

Ms. Appelget asked about the intersection in Edinburg. Mr. Surtees advised that the township purchased the old home on the corner. The county has plans for improving the intersection, including lining it up.

Chair O'Brien suggested that the township proceed toward conformance, which would make it easier for property owners to get loans for improvements.

Map 5 is the southeast corner of the township, along Old Trenton Road, near Bear Creek Senior Living. There has been interest in building senior housing there to complete the corridor of senior housing that extends from Bear Creek up past the intersection of Old Trenton Road and Dorchester Road. Twenty-five percent will be set aside for affordable senior housing. Mr. Novak advised this could potentially be applicable for the township's fourth round affordable housing obligation in 2025.

Mr. Surtees said that this is not within the sanitary sewer area so they are looking to include this in that area.

Ms. Mandel asked if the senior housing market becomes saturated, could a developer come in and request open housing after the zoning is changed for senior housing.

Counsel Muller said there was a one-time deal where that could be done, but the time period was limited and it is well past the timeframe.

Mr. Surtees added that the developer is well known and talking about 88 luxury senior carriage houses for purchase only.

Alison Miller, Council President and resident of 41 Windsor Drive, made comments on Map 4 and 5. She said it is a great idea to make Edinburg Village conforming. Also, she commented that the senior housing is a good way to address a potential short fall of affordable housing.

Map 9 is of Berrien City. Mr. Novak explained that different zoning classifications are being looked into, particularly along Wallace Road, Scott Avenue, Berrien Avenue, Harris Road, the section around Harris Road and Lillie Street. The Board is asked to discuss possible land use classification changes.

Mr. Surtees said that every single lot in this zoning district is non-conforming. Anyone who wants to put on an addition would have to go before the Zoning Board. There was a resident's group in Berrien City that was involved in creating bulk use and area standards, as well as architectural guidelines. The group did not come up with architectural guidelines, so the administration did not want to move forward until residents agree.

Chair O'Brien suggested minimum lot sizes of 7,200 square feet for all of Berrien City.

Susan Conlon, resident of 98 Harris Road, said that the Berrien City Association has been reactivated. They would be happy to work with the township and provide input on the character of the neighborhood.

Mr. Surtees said that the township has worked with the association in the past and can work with them again. First, the Board needs to decide if the zoning should be left as it is and let the Zoning Board deal with every application as it comes in or make all of the lots conforming to meet the zoning. It would be a section of the Land Use Element for adoption later in the year. Then the township can meet with individual property owners and come up with ordinances that would be introduced to Council and eventually sent back to the Planning Board.

Mary Kuller, resident of 5 Berrien Avenue, said that they have an e-mail list and also give out flyers to all the houses when meetings are being held. She likes Mr. Surtees suggestion about using the tax records to reach more residents.

John Koran, resident of 5 Scott Avenue, has been a resident for 20 years. He encourages Mr. Novak to meet with the residents to hear all ideas. There is a lot of development in the area. Berrien City is unique in that the houses are smaller. There is pressure on the neighborhood to stay as it is.

Mr. Wong, resident of Berrien City for 40 years, said the unique character of the neighborhood is special and he wants it recognized. The lot sizes vary so it will be difficult to come up with a solution to address all the needs of the neighborhood.

William Rutledge, resident of 19 Scott Avenue, would like to participate in discussions. There are a lot of children under four years old. He would encourage the board and the administration to explore ways to slow down traffic. Ms. Geevers suggested he talk with the Chief of Police.

Susan Abbey, Chair of the Zoning Board and resident of 85 Scott Avenue, said that the association did a lot for pedestrian safety through the years. She also said that some lots are half size and some residents' own more than one lot. One of the criteria that the Zoning Board looks at when reviewing an application is if the plans fit into the neighborhood. She suggests that the Planning Board take the criteria used by the Zoning Board and put that in the zoning.

Another concern is tearing down smaller homes and replacing them with larger houses. Ms. Abbey is in the process of developing a guide of styles that are within the time period of the original houses and appropriate ways to expand. There is a fear that, if the lots are made conforming, there will be no check on what is done. She feels that scale and appearance should be used.

Finally, Ms. Abbey said the residents could give guidance. A tremendous amount of historical research has been done and most of the residents would welcome an historic label.

Mr. Hoberman commented that the municipality of Princeton dealt with the issue of the tearing down and rebuilding of houses. Perhaps Mr. Surtees and Mr. Novak could explore how that municipality handled this issue.

William Rutledge wants it on the record that he agrees with Ms. Abbey about maintaining the character of the neighborhood. He said that residents are more worried about the rebuild than the tear down. The neighborhood is "big on charm and small on space".

Mr. Rutledge brought up speed again. He said that toward the school there are no sidewalks so the children have to walk in the street. He would like to see sidewalks and stop signs to control speed.

Mr. Rutledge was advised that his concerns would be looked at as part of the Circulation Element.

John Koran said that the speed limit on a portion of Alexander Road is 25 mph in a westerly direction and 30 mph in an easterly direction so there is an inconsistency. He was advised that traffic calming devices would also be part of the Circulation Element.

Susan Conlon said that she was part of the effort to get the speed limit lowered on Alexander Road. She was against the decision to open the driveway from Windsor Plaza opposite Harris Road and make it a true four-way intersection because a traffic study was not done. She invited the board to take a walk in the neighborhood and see it first-hand.

Mr. Novak recommends looking at a separate land use category for Berrien City. He also recommends including language to examine existing zoning and work with the community.

Ms. Abbey added she would like to make it strictly residential.

East of Berrien City is the Princeton-Hightstown Road corridor that leads up to the rest of the Princeton Junction Redevelopment Area. Mr. Surtees and Mr. Novak discussed the feasibility of allowing some sort of an overlay zone along Princeton-Hightstown Road between Alexander Road and Clarksville Road. An overlay zone would not eliminate the underlying zoning but would allow for a separate development option on top of that. This would encourage consolidation of those lots to provide for additional economic opportunities. Property owners would have the right to use one or the other.

Mr. Surtees explained that this was done on Alexander Road about 25 years ago before it was widened to four lanes between Route One and the railroad. The zoning allowed the existing square footage of a home to be converted into an office.

Chair O'Brien summarized the two situations on Map 9. One is Berrien City. The other is the overlay proposal for the western side of Princeton-Hightstown Road and Clarksville Road, to the existing commercial development on the east side of Princeton Hightstown Road and Clarksville Road to Sherbrooke Drive.

Mr. Surtees said that years ago a land use study was done and seven ordinances were created for Berrien City.

Ms. Mandel stated that some residents want to use the Zoning Board to control building.

Ms. Appelget is concerned with protecting the residential areas.

Chair O'Brien suggested talking to the County Planning Board since Princeton Hightstown Road is a county road.

Map 6 is located within the easterly corner of the township along Princeton-Hightstown Road and partially located around Southfield Road and Princeton-Hightstown Road. From the west there is a triangular portion located in the P1 District between Princeton-Hightstown Road and McGetrick Lane. There is also a lot diagonally opposite the triangular portion with a gas station.

The proposals for these areas are to encourage additional lot consolidation, look at expanding the list of uses in the triangular lot, and making the gas station/convenience store conforming.

The vacant parcel on the north side of Princeton-Hightstown Road is zoned ROM-3. There is interest in a warehouse or a mini storage in that area. Mr. Surtees said that it is one lot that is approximately 35 acres. Across the street is an RO-1 Zone, where similar uses are being contemplated.

Mr. Novak explained that the township will look at new land use categories in terms of new zoning for that area and also look to expand the list of permitted uses in the ROM-3 and RO-1 Zone.

The portion to the south on Princeton-Hightstown Road is properties that are mostly encumbered by wetlands. There is also an office building, driving range and several lots. Mr. Surtees advised Chair O'Brien that this is not considered for preserved open space because it is commercially zoned and is located along Route 571.

Map 7 is the Princeton-Hightstown Road side of Bentley Drive, located in the northeasterly quadrant of the township. The westerly portion is currently in the R-30A zoning district. There has been discussion about changing the zoning to a professional office district, P4 zone. There are currently other office properties adjacent to this portion.

On Rabbit Hill Road, there are commercial uses that are not conforming. The idea is to make them conforming.

There are isolated single family homes, where the owners would have the opportunity to sell their property and a developer would build offices.

Alison Miller, Council President and West Windsor resident, would like to see an overlay zone instead of a strictly commercial zoning.

Chair O'Brien announced that review of Maps 8, 10, 11, 13 and 14 would continue on August 21, 2019.

With no other business before the Board, Chair O'Brien adjourned the meeting at 9:58 pm.

Respectfully submitted,

Terri Jany
Recording Secretary