

WEST WINDSOR TOWNSHIP PLANNING BOARD
REGULAR MEETING
December 4, 2019

The regular meeting of the Planning Board was called to order at 7:06pm on Wednesday, December 4, 2019 by Chairman 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 November 25, 2019.

ROLL CALL AND DECLARATION OF QUORUM

Sue Appelget
Linda Geevers
Curtis Hoberman
Michael Huey
Andrea Mandel
Michael Karp
Simon Pankove
Hemant Marathe
Allen Schectel- Alt I
Anis Baig-Alt II
Chairman Gene O'Brien

CHAIRMAN'S COMMENTS AND CORRESPONDENCE

Chairman O'Brien thanked Mr. Karp for chairing the November 13th meeting and reminded board members to speak closer to the microphone to improve the quality of meeting recordings.

PUBLIC COMMENTS

No public comments.

CONSENT AGENDA

Minutes: October 2, 2019; October 23, 2019, November 6, 2019

10/02/19

Mr. Hoberman pointed out Page 2 regarding the Environmental Commission and clarified that Ms. Mandel updated the Board regarding the Electric Vehicle event, not the Farmer's Market. Chairman O'Brien pointed out that the EV event was addressed in the second paragraph, so the first sentence can be removed. Haberman changed to Hoberman

Mr. Pankove suggested that on Page 3, where he asked a question of the engineer, add "Engineer stated that is correct," as it does not show a response.

Ms. Appelget pointed out that she was not at the meeting. Her name needs to be removed.

Ms. Geevers questioned Page 2 regarding Affordable Housing, "Mr. Schectel updated 4 income housing units for 4 families." Change to "two low income housing units for four families." Delete first line.

Chairman O'Brien referred to Page 3, 4th line, "Easement from him..." is not a complete sentence. Mr. Muller stated that "to the developer is necessary" should be added.

Motion to accept 10/2/19 minutes made by Mr. Pankove, 2nd by Ms. Mandel. Motion carried.

October 23 and November 6 minutes deferred to next meeting.

RESOLUTION: **PB19-17**
 AEGLE, LLC
 Minor Subdivision (Lot Line Adjustment) with Waivers
 Block 16, Lots 24 & 69

Mr. Muller read the resolution for a lot line adjustment.

Ms. Geevers asked about Page 4, paragraph 18 and stated that the speaker referenced should be identified.

Motion to pass resolution made by Mr. Pankove, 2nd by Mr. Hoberman. Board polled. Motion approved unanimously.

MASTERPLAN WORK SESSION

Chairman O'Brien stated he views the overarching goals of this new Land Use Element as follows: (1) make as many nonconforming uses – both residential and non-residential – as possible to be compliant with the Zoning Ordinance; and (2) strongly encourage new commercial development or expansion of existing commercial development to provide a more favorable ratio of tax ratables for the residents.

Chairman O'Brien pointed out Page 12, Policy 8 and recommended changing economic development to commercial development. Mr. Novak recommended changing it to "Promote new commercial development in the Township in the locations specified in this plan."

Chairman O'Brien pointed out Page 19, Section III, "contains the" is redundant.

Chairman O'Brien asked about correctly identifying neighborhoods on Page 30 and 33. Mr. Novak stated they will confirm that they are actually correct.

Regarding Page 35, Chairman O'Brien asked if more discussion is needed regarding Berrien City. Mr. Novak stated that it is recommended in the plan that a review be completed of Berrien City. Ms. Geevers asked if studies were done in the past. Mr. Surtees stated that he does not want to indicate that another study should be completed, but possibly meet with leaders of Berrien City.

Ms. Mandel asked for a definition of Form-Based Code. Mr. Novak stated Form-Based Code is a zoning regulation based on what the actual structure looks like as opposed to what the actual uses are. Residential is based on the physical appearance of the house.

Chairman O'Brien advised any Berrien City residents at the meeting to pass information along to other residents that further studies will be completed.

Regarding Page 38, last paragraph, 2nd sentence, Chairman O'Brien feels it is vague. Mr. Novak stated it is written that way to allow the door open for Township staff to meet with residents to determine the best solutions. Mr. Surtees stated that he thinks that the Master Plan will be adopted before Berrien City and/or Dutch Neck would be rezoned.

Chairman O'Brien discussed the rationale for including an Affordable Housing set aside in the Land Use element. Mr. Muller stated it is an essential component to a number of residential zones. Mr. Novak stated that the discussion regarding the Affordable Housing set aside was included in the 2002 land use plan.

Chairman O'Brien pointed out that on page 45, first line, easterly should be westerly. Mr. Novak agreed. Also, the top of page 46, easterly should be westerly. Mr. Novak stated that R5-a is northwesterly, R5-b is correct.

Mr. Novak continued his presentation of the Land Use Plan from 11/13/19. He reiterated that this is still a draft plan and feedback is still being solicited.

Page 42, R-3a District. No changes proposed to this land use category. Mr. Muller suggested to change northeasterly to northwesterly for 3a. Mr. Novak agreed. Mr. Hoberman suggested that Mr. Novak review all cardinal directions prior to finalizing document.

R-3b District, proposed as an eco-village. Mr. Novak researched eco-villages and provided an example of an eco-village in Ithaca. Ms. Geevers asked how many houses is the district zoned for now. Mr. Novak replied 20. Mr. Schectel asked how many units would be allowed under current zoning. Mr. Novak stated that four units per acre. The proposal for the eco-village is 1.5 units per acre but the developer could build as many as 28 units, with one-fourth affordable housing. Another development option is 20 units and instead of an Affordable Housing set aside, they would pay an Affordable Housing fee.

Mr. Baig asked for clarification that it would be less units in eco-village than current zoning. Mr. Novak stated yes. Mr. Baig asked why they are proposing less than what current zoning is. Mr. Surtees stated that based on the property owner's analysis and financial study, 20 is the maximum to sustain what they want to do.

Mr. Schectel asked if this property is necessary for the Affordable Housing plan. Mr. Surtees stated that it has an Affordable Housing set aside.

Mr. Pankove asked if other parts of the Township are being considered for eco-village. Mr. Surtees said only this property.

Mr. Huey stated that he envisioned an eco-village as an environmentally friendly area. Mr. Surtees stated that it is more of an agricultural community. The property owner would like to use Geo-thermal rather than

solar energy, with a community kitchen, but each unit will also have their own kitchen. Mr. Hoberman pointed out that an eco-village is in line with Goal C, providing a wide range of housing densities and housing types.

Chairman O'Brien asked if any board members object to R-3b. No objections.

Mr. Novak discussed Residential R-4 district. No changes are proposed.

Regarding the R-4a district. No changes proposed.

Regarding R-4b district. Ms. Geevers expressed concern regarding zero lot line dwellings. Mr. Novak stated that typically in zero lot line developments, there is a requirement for easements. Ms. Geevers is concerned with zero lot line developments and suggested changing that going forward.

R-5a District, regarding Princeton Theological Seminary, Mr. Surtees stated that they are still expected to sell their property.

R-5b District. No changes proposed. Mr. Muller suggested deleting maisonette dwellings. Mr. Surtees stated they would have to change the whole zoning ordinance to remove that type of dwelling. Mr. Novak agreed. Mr. Surtees confirmed there are no maisonettes in West Windsor, but it is a different type of housing. A consensus was reached to leave maisonettes in the plan.

R-5c, page 46. Recently created. No changes proposed.

PRN, no changes proposed. Ms. Geevers asked about the 2nd paragraph, last sentence and suggested it should read, "units are reserved."

Ms. Geevers asked if there is a document Mr. Novak can provide illustrating what currently exists and the proposed changes.

Mr. Novak continued on Page 49, Section 3.3.5, PMN. No changes proposed. Mr. Huey suggested changing Toll to Toll Brothers.

R-5d District. Recently created, no changes proposed.

PMN-1 District – Recently created. No changes proposed. Chairman O'Brien asked what a limited service hotel is. Mr. Novak stated the hotel would not have a conference center or no room service. Mr. Surtees explained it is a 120-room hotel with a detached restaurant sharing a liquor license with the hotel and rooftop bar. Mr. Hoberman expressed his concerns about the sustainability of hotels and wants the Board to be sensitive to the number of hotels. Ms. Mandel asked how many stories the hotel will be. Mr. Novak stated five stories. Chairman O'Brien suggested removing the word "limited." Mr. Surtees stated eliminating the word "limited" may not be consistent with the ordinance and that this is the only zoning district which includes "limited service hotel."

Mr. Novak continued discussing Page 52, EH district. No changes proposed. Ms. Geevers asked if the Township could encourage at least one bedroom on the first floor for senior housing. Mr. Muller stated it

could be required in the ordinance and future plans. Ms. Geevers feels that it should be said up front that at least one bedroom should be on the first floor.

PRRC District, Page 53, no changes proposed. Mr. Muller stated that in Paragraph 3, Section 5.3 should be 5.4. Mr. Hoberman suggested adding "the aforementioned 15% set aside" in the Paragraph 3. Mr. Hoberman asked how the densities are derived. Mr. Novak stated he does not know as he was not involved in that decision.

Mr. Hoberman expressed his concern about the lack of public transit options near the PRRC districts. Ms. Appelget stated the County provides transportation for seniors. Mayor Marathe stated seniors can make an appointment to get transportation with the County.

PRRC-1 District, no changes proposed. Chairman O'Brien asked if it is fully built out. Mr. Surtees stated it is.

PRRC-2 District is a new land use category. It consists of vacant property currently zoned for professional office. The recommendation is to fill this space with senior housing with a cap of 88 total units and to allow for open space preservation. Require 50% be set aside for common open space. Ms. Geevers pointed out that in the first paragraph which reads "Renaissance," should be "The Elements." Mr. Novak agreed. Mr. Novak stated the name would be changed from Planned Residential Retirement Community (PRRC) to Residential Retirement Community (RRC). Mr. Baig suggesting adding the requirement of at least one bedroom on the 1st floor for this development. Mr. Surtees stated that the ordinance can specify a first-floor bedroom.

Chairman O'Brien suggested adding to the end of 2nd paragraph, "at least one bedroom will be located on the ground level." Mr. Karp explained that the market will dictate putting bedrooms on the first floor as the developer will build what they think is going to sell.

Mr. Novak stated the language allows stacked houses and townhouses, therefore some units will be on the second floor. Mr. Schectel stated not putting a bedroom on the first-floor defeats the whole idea of aging in place. Mayor Marathe stated when the ordinance comes in, it can be changed. Mr. Schectel suggested eliminating stacked townhouses as it defeats the purpose of senior housing and aging in place. Chairman O'Brien asked if they need the stacked townhouses to get 88 units. Mr. Surtees stated that stacked housing is necessary.

Mayor Marathe recommend waiting until the plan comes in and if the Board doesn't like it, change it then as there are not many options available. He asked that the Board not take this option off the table this early in the process. Ms. Geevers made a motion to eliminate stacked townhouses in the RRC-2 district. 2nd by Ms. Appelget. Board polled, motion defeated.

PUBLIC COMMENTS REGARDING PAGES 23 – 55

Alison Miller, 41 Windsor Drive

Ms. Miller stated that she has seen the plans for the proposed new RRC and that every affordable unit is stacked. Ms. Miller stated that when zoning for the original PRRC, The Village Grande, was done, it was stressed that all essentials would be on the first floor for seniors to age in place. She pointed out that there are 236 people on the waiting list for for-sale senior units in West Windsor with only 20 units available. She feels the Township should not be offering senior housing with stairs. Chairman O'Brien asked if the plans had been reviewed by the Affordable Housing Committee. Ms. Miller stated that the AHC has reviewed the plans and does not agree with having seniors walk up stairs.

Regarding the eco-village, it's very small and should not be compared to something that has over 100 houses. She suggests that the Board meet with the property owner before making a decision.

Regarding R30-a, R30-b, and R30-c, she believes the zoning map is correct. It is important to keep houses in their correct zoning districts because the setbacks are different, and you want to keep the setbacks consistent.

Suggests noting RCAs in the plan.

Regarding areas where single family homes can become businesses, suggests if there isn't a sidewalk, it should be made a condition that sidewalks are put in.

Kash Delory, 14 San Marco Drive

Mr. Delory asked about a service lane going into his development. People park on the shoulder and it is difficult to turn into the development. Chairman O'Brien suggested making sure the traffic engineer be involved with this. Mr. Surtees stated the traffic engineer is involved, but it is a County Road and West Windsor has limited input. The County permits cars to park on the shoulder.

Jerry Foster – 15 Suffolk Lane

Mr. Foster spoke about a car-free development in Tempe, Arizona and questioned if the township would welcome a car-free development. Mr. Novak cited the RSIS standards as guidance about availability of parking.

CONTINUE WITH MASTER PLAN WORK SESSION

Mr. Novak continued with Section 3.3, non-residential land use, Page 57.

3.3.1, ROM-1 District. Three changes proposed for this district. The first change is clean-up work. ROM-1 and ROM-2 boundary line cuts through the Carnegie Center Development. The recommendation is to readjust the land use category and zoning line to make sure Lot 77 and 78 are in the ROM-1 district and Lot 82 is in the ROM-2 District. Mr. Hoberman suggested language be added to explain the distinctive characteristics between the different ROMs.

Chairman O'Brien pointed out in ROM-1, 2nd paragraph, the words "of this" are redundant.

Continuing with the ROM-1 District, there is a request to include assisted living facilities as a permitted use and explained that there is a request to have the opportunity to convert the Hyatt Place into an assisted living facility. Ms. Mandel suggested that the property owner ask for a variance rather than change the permitted uses. Chairman O'Brien asked Kevin Moore, attorney for Hyatt Place, to address the Board.

Kevin Moore, Sills, Cummis & Gross, representing Hyatt Place Princeton

Mr. Moore stated that assisted living is an ideal use for this location and that the conversion of a hotel to assisted living would help control the zone. Mr. Novak stated that converting a hotel to an assisted living facility is comparable to converting a residence to an office unit. Mr. Surtees stated there are only two hotels in the ROM-1 district. Ms. Mandel asked if a developer could build a hotel and then turn it into assisted living. Mr. Surtees stated the hotel would have to have existed as of the date of the ordinance. Mayor Marathe asked if other towns have done this. Mr. Novak stated he does not know of other towns that have done this. Mr. Surtees stated that a study was done and there seems to be a demand for hotels in the area.

Ms. Geevers asked how that affects the revenue. Mr. Surtees stated the Township wouldn't be able to collect taxes from the hotel. Mayor Marathe stated the State collects the hotel tax and there is no way to know how much revenue actually comes from the hotels. Chairman O'Brien asked if a hotel has a higher ratable than an assisted living facility. Mr. Moore suggested that Jeffrey Otteau, an expert in valuation, address the Board regarding the tax ratable value of assisted living versus a hotel.

Chairman O'Brien asked if the Board wants to allow a mechanism to enable hotels to be converted to assisted living in the ROM-1 district. Ms. Geevers stated she would need additional information before making this decision. Chairman O'Brien suggested having Mr. Otteau present his information, but stressed that the Tax Assessor would provide the final information.

Jeffrey Otteau, President Otteau Valuation Group

Mr. Otteau stated that the property is currently paying property taxes of \$284,000 per year based on an assessed value of \$10 million, with a market value of \$11 million. If this property were to be converted to an assisted living facility, the value would more than double, and more likely triple, and there would be a corresponding effect on assessments and property taxes that would be paid.

Chairman O'Brien asked for further clarification regarding how Mr. Otteau arrived at the values. Mr. Otteau explained that the estimate was arrived at by projecting what the yield would be for the hotel if it were converted to an assisted living facility. The yield for assisted living properties is based on the number of beds. Based on the design characteristics of assisted living properties that exist presently and are being developed currently, it's possible to develop a ratio of how many beds would be generated per square foot gross building area.

Chairman O'Brien asked if the number of assisted living beds would be greater than the number of hotel beds. Mr. Moore stated it would be.

Mr. Otteau explained he analyzed the price that investors are paying in the market per bed for assisted living properties. If there is an affordable housing set aside, the value will diminish because the revenues from affordable housing are less. Ms. Geevers asked if this included Medicaid beds. Mr. Otteau stated yes.

Mr. Otteau explained that assisted living properties operate very differently from other forms of housing that would be subject to traditional inclusionary affordable housing set aside as they are more like a hotel or an extended stay hotel because they charge daily rates. Individuals with limited financial means are accommodated through a State mandate that assisted living properties set aside a portion of their beds for residents of limited means who have expended their financial resources and have transitioned to Medicaid.

Mr. Huey asked about extending parking spaces if the number of beds are increased. Mr. Otteau stated most residents of assisted living facilities do not have vehicles.

Ms. Geevers asked how the residences would be set up, whether there are nursing facilities or memory care, and where residents would have their meals. Mr. Otteau said ultimately it would be determined by the market place and an application that would go forward for approval. He stated that assisted living properties typically consist of a combination of studio, one bedroom, and two bedroom living units. There are no kitchens or cooking facilities. Studios and one-bedroom units will typically have one bed occupied by a single individual or a married couple. A studio would have a bathroom and a small kitchenette (36 inches of cabinets with a sink and a refrigerator). One-bedroom units will have a bedroom separated from living room and one bed. Two-bedroom units have 2 bedrooms, each with a single bed occupied by unrelated individuals sharing a bathroom, kitchenette and living room. The most common configuration is a one-bedroom unit.

Mr. Otteau stated that the average rate is \$250 per day for a one-bedroom unit (\$8,000 a month). Rates are per day and not monthly. Rates are high because of the services. Meals, in a community dining room, are included. Usually there is an on-site nursing station to attend to minor medical issues.

State licensing requirements for assisted living properties constructed after 2001 require 10 percent of their rooms be set aside for Medicaid residents. It usually ends up being closer to 20% Medicaid residents because once a resident has spent their own money, they transition to Medicaid and stay in the property. The discounted rate is \$2,700 a month for Medicaid patients.

Mr. Otteau continued explaining that a traditional inclusionary set aside won't work in an assisted living setting. The standard measurement for affordability for a household of limited financial means is that their monthly housing expense should not exceed 30% of the revenue they have coming in. Neither COAH nor HUD have any standards or guidelines for assisted living because they are not considered apartments.

Mr. Otteau explained if using the 30% calculation, a retired resident, 75 or older, would need an annual income of \$304,000 a year for \$250 a day not to exceed the 30% of their income. The model does not work and is not used in assisted living.

Ms. Geevers asked if there are State guidelines regarding assisted living. Mr. Otteau stated there are guidelines as it relates to affordable monthly rent. There are guidelines as to the mandate that no less than 10% be set aside for low income households because it's not considered a monthly housing rental. It's an extended stay hotel for older people who can't care for themselves anymore.

Mayor Marathe asked if Medicaid beds count towards affordable housing. Mr. Muller said yes.

Mr. Schectel asked how many beds are in the current hotel and how many would be in the facility after renovation. Mr. Otteau stated there are currently 122 rooms in the hotel and if it is converted to an assisted living facility, it would increase the beds to 131 beds, with a minimum of 13 low income beds.

Mr. Schectel asked if walls would be moved. Mr. Otteau stated the entire building would probably be gutted and reconstructed.

Mr. Otteau explained that although the Hyatt Place is doing well, there are many hotels in the area, and the market may become oversaturated which would bring the assessments down, and the taxes would be decreased as well. He added that there is a critical need for assisted living. Baby boomers are turning 73 at a rate of 10,000 per day. The demand for these properties has not yet arrived but is coming in the next few years.

Mr. Huey asked about the profit margin of a hotel versus assisted living. Mr. Otteau stated the difference in profit margins are relatively low because the cost of services is high.

Chairman O'Brien recommended a meeting by Township professionals to get additional information on this subject.

Mr. Huey stated he'd like to hear from Carnegie Center to see if they would be interested in this property.

Ms. Geevers stated that Emergency Services should be consulted regarding this conversion.

Mr. Pankove asked about existing hotels in West Windsor that would want to do something similar. Mr. Surtees stated they would have to talk to the Planning Board.

Chairman O'Brien suggested tabling the decision and continuing discussion at the 12/18 meeting.

Review of minutes deferred to 12/11 meeting.

Without objection, Chair O'Brien adjourned the meeting at 10:20 pm.

Respectfully submitted,

Rita Bergen
Recording Secretary