

WEST WINDSOR TOWNSHIP PLANNING BOARD
REGULAR MEETING
July 24, 2019

The regular meeting of the Planning Board was called to order at 7:03 pm on Wednesday, July 24, 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 July 17, 2019.

Chair O'Brien announced that Kevin McManimon is serving as counsel tonight.

ROLL CALL AND DECLARATION OF QUORUM

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

There were no public comments on non-agenda items.

MINUTES: June 12, 2019

Page 5, fourth paragraph, Ms. Geevers advised that Mr. Yates' correct title is Fire and Emergency Services Division Manager.

Page 3, third paragraph from the bottom, Mr. Baig advised that it was he who made this comment, not Mr. Schectel.

Page 7, last paragraph, Mr. Baig said that .04 cubic feet/minute should be .04 cubic feet/second.

Mr. Hoberman made a motion to approve the June 12, 2019 minutes with changes, seconded by Mr. Pankove. Motion approved by voice vote.

PUBLIC HEARING:

Chair O'Brien explained that on April 15, 2019, West Windsor Township Council adopted Resolution 2019-R090. The Planning Board was directed to make a recommendation back to Council as to whether a study area should or should not be determined to be a condemnation development area.

David Novak, PP, AICP, Burgis Associates Inc., discussed the "Route 1 Penns Neck Area in Need of Redevelopment Study", Version 1.0, dated July 3, 2019. The study was conducted on a portion of Route

One, between Mather Avenue to the southwest and Washington Road to the northeast. The study area consists of ten lots, identified as Block 38, Lots 1,2,3,25 and 45 and Block 39, Lots 4,5,7,16 and 27.

Mr. Novak explained that redevelopment, as defined by the "Redevelopment Handbook" provided by the State of New Jersey, is the process to rebuild or restore an area in a measurable state of decline. The redevelopment process is outlined by the Local Redevelopment and Housing Law (LRHL) and provides the municipality with the power to adopt a redevelopment plan.

The study recommends that five of the ten properties be designated as an area in need of redevelopment. An area must meet one of eight criteria, "a" through "h", to be considered. **Block 38; Lot 2** meets "a" and "b" Criteria, **Block 39; Lot 5** meets "a", "b", and "d" Criteria, and **Block 39; Lot 27** meets "e" Criterion. Also, land that does not meet criteria, but is necessary for the redevelopment of the area can be included. Therefore, **Block 38; Lot 3** and **Block 39; Lot 4** is recommended for redevelopment as well.

Another recommendation that came out of the study was to consider the rezoning of Block 38, Lots 1,45 and 25 and Block 39, Lots 16 and 7. These properties are presently zoned residential. This designation may no longer be appropriate because of the proximity to US Route One, which serves as a Gateway opportunity for the township.

Chair O'Brien pointed out on page 63, fourth item, dated June 8, 2017 "southbound" should be corrected to "northbound".

Mr. Novak explained his use of the R-2 land use category to Chair O'Brien. He said there is a slight inconsistency between the Master Plan and the Zoning Ordinance. The Master Plan still identifies the areas as an R-2 land use category.

Ms. Geevers offered the following corrections on pages 47, 51 and 57, under "Summary", the Block should be corrected to "39".

Page 83, second paragraph, first sentence, Ms. Geevers suggested correcting "there" to "therefore".

Ms. Geevers asked about the item dated August 20, 2018, in the middle of page 66, regarding the gas station restroom. Mr. Surtees will check with the health officer to see if it is a functioning bathroom.

Mr. Novak told Mr. Hoberman that a directive must come from council to look at an area for redevelopment.

Mr. Karp questioned why, if there is no difference between Block 38; Lot 1 and Block 38; Lot 3, was Lot 3 included in the recommendation while Lot 1 was not.

Mr. Novak replied that he was trying to minimize the number of properties included in the redevelopment area that do not meet criteria. There are two stipulations for vacant land; it must be empty for ten years or vacant due to access issues. Lot 3 has been vacant for a long time while Lot 1 just became vacant.

Mr. Schectel did not feel that the 180-foot depth of Lots 2,3 and 4 was sufficient enough with setback. He thinks that all ten lots should be included in the redevelopment area.

Ms. Mandel feels that Lot 1 should be in the same redevelopment zone as Lots 2 and 3. If Lot 1 is left residential, a house could be built on Route One, surrounded by commercial buildings.

Mr. Pankove asked if the study took into consideration NJDOT and Mercer County plans for improvement to Route One and Route 571.

Mr. Novak responded that this has no connection to criteria. Also, any improvement plans are under draft form.

Mr. Hoberman asked Mr. Surtees if the township could explore the idea of Varsity Avenue being made a cul-de-sac and if so, where in the process would that occur. Mr. Surtees advised that a recommendation could be made to vacate Varsity Avenue and make it a part of the redevelopment area. This discussion would take place when council prepares the redevelopment plan.

Counsel McManimon explained to Mr. Huey that by statute a municipality is required to make a determination right out of the gate as to whether or not it is going to potentially offer the power of eminent domain. It is too early to determine if it will be necessary for the township to exercise this power. However, if development of the property cannot be successfully negotiated, the township may need to assist in acquiring the property. The township also has the power to zone and select who will develop a property.

In response to Mr. Karp's inquiry about an ordinance requiring a building be removed if it is deemed unsafe, Mr. Surtees advised that it is up to the construction official to determine if an unsafe property should be boarded up or demolished.

Ms. Mandel asked about the possibility of contamination on some of the properties and how that is handled under redevelopment.

Mr. Novak referenced the CEA area on page 74 that extends from Block 39, Lot 27, which is the gas station. He said a number of contaminants were identified in the NJDEP report.

Counsel McManimon said the owner of the property is responsible for remediation. If a developer is interested, remediation is part of the deal.

Chair O'Brien announced that public comments are limited to four minutes per speaker. After everyone speaks once, there will be opportunity to speak again.

Reddy Rathmaker owns the gas station and property behind the gas station, where there was a fire. He is working with the fire department to put the property back to pristine condition.

In reference to the bathrooms not working, there are two bathrooms. The township did cap one of the restrooms, but the other works fine.

As for contamination, there was a problem prior to 2001. New tanks were put in to solve the contamination problem. He has spent a lot of money to clean up the property. He has not finished cleaning up the property because he has plans to make the gas station bigger.

Jerome Keeler, resident of 252 Varsity Avenue, which is the fourth house off of Route One, thanked Mr. Novak for consideration of the houses immediately behind the study area. In addition to the dilapidated

house, there are two driveways on either side of the house leading on to and from Route One. There are curb cuts to permit this and Mr. Keeler feels this is unsafe.

He also said that it is his understanding that remediation was done within the year, on three or four houses on Varsity Avenue, to address contamination related to the gas station. He asked about the impact the situation has on houses farther up Varsity Avenue that are farther from Route One.

Mayor Marathe suggested he reach out to the health officer.

Martin Kahn, resident of 463 Jefferson Road, owns Block 38, Lots 1,2 and 3. He agrees that Lot 1 should be included with Lots 2 and 3. Mr. Kahn is very supportive of the redevelopment. He also owns Block 38, Lots 25 and 45 and Block 39, Lot 7. He looks forward to combining these properties and will limit displacing homeowners. He also said that setbacks and buffers are needed.

Ms. Geevers made a motion to close the public hearing, seconded by Mr. Huey.

Mr. Rathmaker commented that there are no new contaminates. NJDEP wants to make sure there is no contamination so they can close the case. He would like to be part of the redevelopment and work with the township and Mr. Kahn.

Motion to close the public hearing was approved by voice vote.

Ms. Geevers commented that the redevelopment is an opportunity to get rid of burned out and dilapidated houses.

Mr. Schectel's position is that all ten lots be included in the redevelopment area.

Mr. Huey agrees that all ten lots should be included.

Ms. Appelget expressed concern about sufficient buffering to protect all the neighborhoods behind this area.

Chair O'Brien summarized Mr. Novak's recommendation that five lots out of ten be included in the redevelopment area. He also recommended that the township consider rezoning of four lots.

Mr. Hoberman would like to know more about NJDOT's plans for that section of Route One. He also wants to hear how the Board feels about including Block 38, Lot 1, located adjacent to Mather Road. Mr. Novak did not recommend that this property be a part of the area but said he understands the argument for including this block and lot.

Mr. Pankove made a motion that the Planning Board recommend to Council that all ten lots be included in the redevelopment study area.

Counsel McManimon summarized that Lot Block 38, Lot 2 and Block 39, Lots 5 and 27 meet specific criteria. The remaining seven lots are necessary to enhance the ability for redevelopment.

Motion was approved, 9-0, by roll call vote.

MASTER PLAN WORK SESSION:

This session is to review proposals for various uses for specific parcels of land for consideration when reviewing the Land Use Element of the Master Plan.

Map 1 shows the northeasterly corner of the township, zoned R2. The area is an isolated area with older homes, located on the canal. It was suggested that the zone be changed to an R2A to permit a bed and breakfast. If the Board agrees with this suggestion, the next step would be to meet with property owners to see if there is interest.

The conditions of use would be formatted to preserve homes and protect the privacy of surrounding homes. Homeowners would use the existing square footage of their house. Some things to consider would be parking, limit on length of stay, and whether it would be restricted to serving breakfast only.

The area is in a flood zone, but as stated, existing square footage would be used so no new building will occur.

In general, the Board was fine with this suggestion.

Map 2 shows the westerly portion of the township. It includes the Howard Hughes Tracts, two additional areas along Route One and property near the intersection of Quaker Bridge Road and Village Road West.

Northwest on Route One and adjacent to the Howard Hughes Tract is Behr and Weber Training School. These are two non-conforming commercial uses that are grandfathered in. One suggestion was to upgrade and expand the facility to an upscale pet care/boarding facility. Mr. Surtees asked the Board if they want to make these two non-conforming uses conforming, along with other uses that would be permitted. The consensus was in support.

The next area on Map 2 is Route One in a northerly direction. There are several properties in front of Duck Pond in the R5A Zone. Chair O'Brien explained that there was a concept hearing recently for development of a long stay hotel and restaurant. Mr. Surtees said they are working to come up with a zoning district to meet the needs of a long-term hotel and of the adjacent properties to the north and south. Any rezoning will include a financial analysis.

The next area is the westerly side of the Amtrak line, currently zoned ROM1. Mr. Novak and Mr. Surtees have discussed changing this area to a P5 zone. There are professional offices there already, as well as three lots that do not meet standards for Rom1 Zone. Conforming lots would encourage redevelopment of the sites. If the Board recommends the lots be conforming, the creation of a new conforming zone will be reviewed. This will make it easier for developers to get loans to improve their property, knowing they can do what they want to do without getting a "C" or "D" variance.

Mr. Surtees gave an overview of the property on Village Road West and Quaker Bridge Road. The property backs up to the rail line and includes the church property and four lots over. The only structure on the property is what used to be a Christmas season store. There is public water available, but not sewer. If developed, it would be on septic. Or the developer can work with the ELSA sewer authority to provide sewer under Quaker Bridge Road to service these lots. There has been a lot of discussion over the last couple years from property owners and redevelopers about buying lots, combining lots and

Map 12 is of Princeton University. Chair O'Brien asked what the justification is for suggesting three sub-zones, E1, 2 and 3.

Mr. Novak said the proposed Princeton University campus is still under development. There may be instances where the existing zoning on site does not match up to what is being proposed.

Mr. Surtees added that there are several university properties, with residential homes, that were recently consolidated and are in the R2 Zone. These should be included in a new E1 Zone to be part of the general development plan proposed by the university. Currently, the university is excluding all of the R2 zoned properties from their GDP application.

It is up to the Board to decide if the township should meet with the university to talk about creating a unique zone for that section of their property or leave it all as an E Zone.

Mr. Pankove asked why E1 through E3 is suggested and not E1 through E6, so there would be a sub-zone for each lot.

Mr. Surtees explained that the university's reason for sub-dividing is more for jurisdictional reasons, not development reasons. The university will be developing these properties that are vacant so there is development potential. With the Howard Hughes piece, there are several acres of property. It would be a good time to amend the Land Use Element of the Master Plan.

Mr. Hoberman said that "Fairview Avenue" should be "Fisher Place" on Map 12.

Mr. Goldman, representative of Princeton University, said the university is developing the Lake Campus around an existing zone, 30 to 50 years in the future. The university favors a single zone to keep it simple and clear. The properties will be developed as one campus, so they do not want buildings and uses to straddle zone lines.

Mr. Novak said that the idea is to separate university property from county and Vo-tech property. However, one distinct zoning district can be considered.

Mr. Surtees added that the TRC is reviewing the current GDP. If the university wants to include the R2 properties, that is being done now in that redevelopment plan. The Land Use Element needs to be amended to rezone these R2 properties.

Mr. Goldman said that eventually the residentially zoned lots will need to be merged into the E Zone, but this is not urgent, since development is in the 50 to 100-year range.

Alison Miller, Council President and resident of 41 Windsor Drive, said that any development on the two sides of Village Road West and Quaker Bridge Road should be rezoned the same. She also commented on the number of acres that will be left on the four properties once the wetlands are considered and the road is widened.

Mr. Surtees responded that all properties would be zoned ROM-4.

Mr. Surtees added that most likely all land owned by the university would be zoned E and all county and Vo-tech land would be zoned E-1.

Mr. Surtees announced there would be no meeting on July 31, 2019 since it is the fifth Wednesday.

On August 7, 2019 the Grover Middle School addition and three ordinances will be discussed. Also, the Land Use discussion will continue.

With no other business before the Board, Chair O'Brien adjourned the meeting at 10:00 pm.

Respectfully submitted,

Terri Jany
Recording Secretary