

West Windsor Township Planning Board

Minutes – Regular Meeting

February 26, 2020

The regular meeting of the Planning Board was called to order at 7:00 p.m. on Wednesday, February 26, 2020 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: Susan Appelget
Linda Geever
Curtis Hoberman
Michael Huey
Michael Karp
Hemant Marathe
Gene O'Brien
Jyotika Bahree (Alt II)

CHAIRMAN'S COMMENTS AND CORRESPONDENCE

Chair O'Brien stated that there was a public comment at the last meeting about the Board action not being proper. He asked the Board attorney to review the documents provided by that individual. Mr. Muller advised that he reviewed the documents and advised that the actions by the Board were absolutely proper.

PUBLIC PORTION

The meeting was opened to the public.

Mr. Srinivas advised that at the improvements to the intersection of Village Road West and North Post Road were done well but during a rainstorm the soils on the right side of the lane fell in to the roadway. Francis Guzik, town engineer, stated that he is sending an email to the project engineer to advise.

No further comments were provided. Motion was made and seconded to close the public portion of the meeting. The vote was 8-0 in favor. Motion carried.

RESOLUTION

- a) **PB19-20**
Nassau Park - At Home Stores
Block 7, Lot 78.16
301 Nassau Park Boulevard

Motion was made by S. Appelget to approve the resolution for PB19-20, seconded by L. Geevers. The vote was 5-0 in favor. Motion carried.

For: Appelget, Geevers, Hoberman, Karp, O'Brien
Against: No one
Abstain: No one

APPLICATION

PB19-13

Senior Living @ Bear Creek (continued from 2/19/2020)

Preliminary/Final Major Site Plan

Block 33, Lot 1.02

SW corner of Village Road East & Old Trenton Road

Property Zoned: PRRC District

MLUL: 2/27/2020

Martina Baille, Esq., legal counsel for the Board, stated that this discussion is a continuation from February 19th.

Frank Petrino, Esq., stated that road improvements and signage are proposed. Updated architectural drawings have been provided, correcting detail in the plan resulting in additional square footage in the core area of the building. He presented a chart of the units (Exhibit A-25) and advised that revisions to the unit breakdown were made. There are now 12 units offering 1,591 sf. The development offers a mix of one-bedroom and two-bedroom units.

Daphne Galvin, engineering consultant for the applicant, previously sworn in, provided a power point presentation and referenced the aerial of the site. There is a cut-through proposed to connect to Village Road East. She distributed a reduced copy of the major site plan, identifying the proposed signage (Exhibit A-26) and stated that "no through traffic" signs are proposed at the entrance of the roadway to the Hamlet and also on Village Road East. Additional way-finding signage is proposed directing residents and visitors out of the development.

James Kochenour, traffic consultant for the Board, previously sworn in stated that he reviewed the changes and the applicant has addressed all concerns. Chair O'Brien asked if there is a Village Grande homeowners association. Marvin Gardner, Coneflower Lane, stated that he is not sure if they have a Homeowners Association but expressed concern about cars driving through the Hamlet although the proposed improvements could help reduce the traffic to a degree. Chair O'Brien recommended that the owner advise all residents about the traffic signage and restrictions, if the project is approved.

Ms. Zukes, architect for the applicant, previously sworn in referenced Sheet A1.02 (Exhibit A-27) and advised that some of the one-bedroom units did not have closet so the plans were revised to include bedroom closets in all of the units. She stated that the bike storage area was also redesigned; the space has been reduced to provide storage for 30 bikes, and the balance of that space will be a salon. The weight room offers space for storage of medical supplies, and a doctor will be on hand for doctor visits. L. Geevers asked if doctor visits would be open to the residents of Village Grande. Ms. Zukes stated that, if a resident of Village Grande had to see a doctor, then this could be arranged.

H. Marathe stated that the idea is to reduce traffic so he is not in favor of opening these amenities to another development. Mr. Petrino stated that the people from the Hamlet can use the cafe because the zoning ordinance specified this should be permitted, but the amenities are only for the residents of this development.

M. Huey stated that sometimes people allow their family members to live in their homes, and he wishes to make sure that this development is age restricted. He recommends a condition that the den space not be used as bedrooms; and, if they are used that way, the resident can be evicted. Mr. Petrino suggested that annual inspections should be required, if this proposal is granted.

Lauren Kovacs, landscaping consultant for the applicant, previously sworn in, stated that street trees will be provided in response to the report dated January 16, 2020 from Daniel Dobromilsky, LLA. The proposed shade and ornamental trees will be native species with a mix of deciduous and evergreen shrubs around the buildings. Additional landscape buffers are proposed to screen the view of the parking lot. Ornamental grasses are proposed in the median island, and perennials are proposed around the pool area; shade trees are proposed in the parking lot. Therefore, waivers are no longer being requested. Raingardens are also being proposed and consultations are ongoing about the design for the bird houses.

Mr. Petrino stated that a draft Developers Agreement can be prepared to address all deficiencies from the previous approval, and he is hopeful to get this on a Council agenda soon.

L. Geever stated that at the intersection of Old Trenton Road and Village Road East, lit signage identifying the intersection is being considered. She asked if there is any plan to bring attention to the opposite corner. Mr. Petrino stated that three separate signs are proposed on the property, identifying the independent living complex. C. Hoberman referenced Exhibit A-7 with this detail.

Daniel Dobromilsky, landscape architect for the Board, previously sworn in, referenced Exhibit A-9 and stated that, when NJDEP approval was granted, it included approval for a small sitting area across the road. There is landscaping there; this side was to be subtle, and the original intent is not to have a sign there. He advised that the applicant's solution to comment #1 within his report is problematic; the material must be thinned and the site re-investigated. He requested a plan of this detail. The applicant agreed to do further investigation of the landscaping proposed outside of the loop road. Relating to item #6 in his report, Mr. Dobromilsky stated that a tennis court is being considered as recreation and providing one court is sufficient for recreational space; and another use such as a dog park can be proposed in the other space set aside for recreation.

Francis Guzik, engineer for the Board, previously sworn in, stated that the applicant has a right to determine the other recreational use for that space without returning to the board.

Creigh Rahenkamp, planning consultant for the applicant, was sworn in and stated that the applicant is required to request a variance, because independent living and assisted living spaces are to be separate; a buffer of 50 feet is required, but this is not proposed. The setback relief goes back to the 2005 plan and he referenced Exhibit A-3. They are increasing the setback with this revised design; a 25-foot setback is now proposed. Inclusionary affordable housing is also being provided. A variance for landscaping is required, because landscaping is proposed on the perimeter but is inside of the loop road. He stated that even though the setback is being encroached, it is outside of the developed site and not

close to an exterior use. He then referenced the landscape design for the 2005 plan and stated that landscaping was proposed on the outside of the internal roadway. He stated that all planning solutions proposed for this specific piece of property are superior planning solutions. The lighting and the sidewalk issues have been addressed, and parking is being provided for the residential section of this development. Mr. Petrino stated the same design waivers and exceptions had been reviewed by the board in 1996 and again in 2005 and each time they had been granted.

Joseph Burgis, planning consultant for the board, stated that design waivers for the hours of lighting and detail of the illumination have been requested. Ms. Kovacs advised that this detail will be shown on the revised plans; and she stated all lighting will be turned off at 11pm, although security lighting will remain on throughout the night. Mr. Burgis stated that there are more parking spaces than what is required by code. Mr. Rahenkamp stated that 12 spaces are set aside for the cafe. Mr. Burgis then spoke about the signage. There is an existing sign that is 22 sf, and a design had been granted previously. The applicant is asking for that sign to remain. Another sign on Old Trenton Road that is 11 sf in size is now being proposed. He stated that all other items have been addressed.

Mr. Guzik referenced his report dated 1/27/2020 and noted that outstanding items have been provided by the applicant. He asked who will pay for repairs to the drainage system. Mr. Petrino agreed that the owners of the property would pay for this. Mr. Guzik stated that relating to outside approvals, DRCC advised this parcel is not within their review zone. Noted within the engineering report was a comment about the provision of a grease trap in the kitchen. This has been resolved now; one will be provided. He advised that some of the infrastructure installed has deteriorated; there are potholes, cracks in the pavement and sediment.

Daniel Dobromilsky, landscape architect for the Board, stated that he is concerned about the health of the plantings along the perimeter. Mr. Petrino confirmed that a Developers Agreement can be prepared, and the detail for landscaping can either be worked out with the individual unit owners and the developer or bond monies provided so something can be designed, if the homeowner does not want to do this. Mr. Petrino stated that a Developers Agreement can be done without the landscaping installed. Mr. Dobromilsky requested something in writing that addresses his concern.

Mr. Petrino stated that the landscape consultant should review the site and advise what work has to be done and this will be identified in the Developers Agreement. He then asked that the Board recommend this landscaping inclusion in the developer's agreement. Mr. Guzik confirmed that the Developers Agreement is being reviewed by his office and the Township attorney, and there are some issues. He is waiting to hear from the attorney's office and will advise.

Ms. Baille asked if approval of the Developers Agreement is a condition of approval. Mr. Guzik stated that within the Developers Agreement should be a clause noting that a certificate of occupancy will not be granted until all of the issues within the Agreement are resolved. Mr. Surtees stated that the problems within the agreement are specifically related to the previous approvals.

L. Geever asked if there will be any light spillover impacting the residents of the Hamlet. Mr. Guzik stated that the site lighting is fully shielded with down lighting. Mr. Petrino advised they will check the plans to make sure that there is no light spillover. L. Geever asked about bike lanes. Ms. Galvin stated that vehicular and bike traffic is very low; the 24-foot roadway is adequate for biking, but the applicant is not proposing additional bike lanes.

Chair O'Brien advised that the report from the fire official, James Yates, recommended approval. He asked the applicant's planner about the site plan checklist detail about resident population. Ms. Zukes testified that 220 people are anticipated, not 220 units. There was also a question raised about a walking path to the tennis courts. Ms. Zukes advised that residents are obligated to transverse the parking lots so it seems appropriate for safety reasons to provide "pedestrian crossing" signage in the parking area where the traffic approaches the walkway. Mr. Kochenour stated that a painted crosswalk was recommended in his report and a provision for signage should also be included. M. Huey asked that a 5% set-aside for veteran and military families be provided as per the affordable housing provision. Mr. Petrino stated that this is acceptable.

The meeting was opened to the public.

Alice Maniere, 322 Blanket Flower Lane, was sworn in and stated the traffic reports are not that accurate; this development will add to the existing traffic in the area. A total of 440 people are anticipated, this will result in more traffic impacting the residents of Village Grande and this has not been addressed. She stated there is no low traffic volume as was testified, and a new entrance and exit off the inner loop is needed.

Amy Chanson, Blanket Flower Lane, stated that Village Road is very narrow and barely passable; she asked that this portion of Village Road be widened to handle the anticipated traffic and consider another entrance and exit for this development.

Toby Shor, 39 Village Grande Boulevard, was sworn in and questioned the testimony that only 339 parking spaces are acceptable for a total of 440 people. She stated that left turning movement from her development in the morning is very difficult. There is also a nursery school in the area, and there are times between 12 noon and 2pm that cars are parked along Village Road East. She stated that Planning Board should rethink the traffic plan for the residents.

Mr. Conard, 325 Blanket Flower Lane, was sworn in and stated he was concerned about the traffic; this section of Village Road is overrun with cars during rush hour. To access Old Trenton Road, traffic is often backed up past Village Grande Boulevard entrance; so people in that development have difficulty exiting. An alternative solution would be welcomed. He then questioned the testimony about the bike lane and was hopeful that would not be on Village Road East.

Ellen Gardner, 61 Coneflower Lane, requested a temporary entry and exit on Old Trenton Road during construction. Chair O'Brien noted that this was not discussed before the Board. The applicant's agent, Anthony Mazzucca, stated that a temporary entry will be provided but he is unsure where it will be located, because there is preserved open space in this area. The assisted living project is currently bringing construction traffic into this area; so this has to be done properly. Mr. Petrino stated that township land is to the south of this property. Further discussion is needed between the town and the County for this access. Mr. Kochenour stated that the County said it was not desirable but is not impossible. He recommended that the applicant petition the County for a definitive answer about getting a temporary construction easement.

Mr. Surtees advised that the open space land is Green Acre land. It is a restricted property; but the town had negotiated with the neighbors of another property being developed; so this is not something out of the question. 65 H. Marathe stated that the Planning Board will support the request to the County by the applicant. Mr. Mazzucca stated that there are wetlands in this area; he is unsure if this would be

viable. Chair O'Brien asked if the applicant is willing to accept a condition that they determine whether there is satisfactory passage through the open space tract to access Old Trenton Road; Green Acres and County approval is needed to traverse the area for a temporary construction access. Mr. Petrino stated that he cannot accept those conditions.

Mr. Srivas, previously sworn in, stated that he feels that this development will result in approximately 600 residents. All construction vehicles will have to access the site by making left turns off Village Road in front of a school. He asked why only one entrance is proposed for this entire development.

Marvin Gardner, previously sworn, stated an entrance and exit onto Old Trenton Road should be considered. He expressed safety concerns with left turning movements out of the site to access Old Trenton Road since some of the residents are older and right turning movements are preferred. He asked about the landscape buffers and asked if new trees will be planted, especially in the area of Village Road East. Mr. Dobromilsky stated that the applicant already discussed this; the landscaping and trees are sufficient when considering the requirements of the code.

Mr. Gardner stated that he is hoping to get an acceleration lane for Old Trenton Road to access Village Road East. L. Geever stated that she is willing to approach the County with this request. She has experienced high traffic speeds on that road. Regarding a redesign, she stated that nothing is impossible.

C. Hoberman stated that a full discussion about the Circulation Element will be coming before the Planning Board soon.

Joseph Chang, 53 RainFlower Lane, asked how the residents will get out of the development, if there is an emergency on Village Road East.

Chair O'Brien stated that the applicant's traffic consultant and the town's traffic consultant spoke about no access to the Old Trenton Road; and improvements can be done by changing the signal timing of light at intersection of Old Trenton Road and Village Road East. A right turn lane would have to be built on Old Trenton Road southbound for right turn movements. He feels that this will improve the wait time for the Village Grande development. The applicant also agreed they would fund the design of the intersection for this provision of a right turn lane.

H. Marathe stated that affordable units are being mandated by the State for all municipalities. Traffic at all intersections in West Windsor exists; and the town is trying to do improvements, which may help alleviate this.

Rose Ayrel, 49 ConeflowerLane, stated that the traffic in this area has gotten worse over the past three years and is hopeful that something be done about the traffic.

Motion was made by Mayor Marathe to close the public portion of the meeting, seconded by Mike Karp. The motion was approved unanimously by voice vote..

L. Geever asked about the secondary access from Old Trenton Road that the County does not want; and the township consultant is not in favor of this. Mr. Kochenour responded that it was not justified based on the amount of traffic that would use such an access. Karl Pehnke, traffic consultant for the applicant, previously sworn in stated the calculation of both inbound and outbound were less than 10

vehicles per hour; so their conclusion was based on that. The volume of traffic diverted out of Old Trenton Road is a small number with no noticeable affect to traffic.

J. Bahree asked for explanation on how the exclusive right turn lane on southbound Old Trenton Road and the change in timing of the traffic light impacts the levels of traffic service. Mr. Kochenour stated that peak hour on all four intersections was reviewed. Southbound traffic on Old Trenton Road resulted in 600 plus cars per hour in a single lane; a dedicated right turn lane would significantly reduce the traffic. The traffic at Village Road East and Old Trenton Road southbound has heavy volume; so a dedicated right turn lane along with an extended green time at the traffic light is recommended. That improvement could be a part of the County capital improvement project.

M. Karp stated that when the traffic study was done, a second access from Old Trenton Road was considered; but the applicant testified that people would not use it, because they preferred Village Road East. A secondary access from Old Trenton Road could be considered.

Chair O'Brien reminded the members that construction of this project was a part of a Fair Share Housing settlement that was decided last May. If this project is not approved with the 220 affordable units, then this housing would have to be provided in another location.

Motion was made by M. Karp to approve the application, and M. Huey seconded the motion.

The vote was 8-0 in favor. Motion carried.

For: Appelget, Geevers, Hoberman, Huey, Karp, Marathe, O'Brien, Bahree

Against: No one

Abstain: No one

With no further business before the Board the meeting adjourned at 10:16 pm.

Respectfully submitted,

Kerry A. Philip
Recording Secretary