

WEST WINDSOR TOWNSHIP PLANNING BOARD MEETING
REGULAR MEETING
June 14, 2023

The Regular meeting of the Planning Board was called to order at 6:33 pm by Chairman Karp in Meeting Room A in 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 31, 2023.

ROLL CALL AND DECLARATION OF QUORUM

Michael Karp, Chairman, Class IV

Curtis Hoberman, Vice-Chairman, Class IV

Hemant Marathe, Mayor, Class I

Linda Geevers, Councilwoman, Class III

Anis Baig, Class IV

Simon Pankove, Class IV

Robert Loverro, Alt. #1

ABSENT: Sue Appelget, Class IV
Jyotika Bahree, Class II
Allen Schectel, Class IV
Pankaj Patel, Alt. #2

TOWNSHIP CONSULTANT STAFF PRESENT

Martina Baillie, Esq., Attorney, Law Offices of Gerald Muller, PC

David Novak, PP, Planner, Burgis & Associates

Ian Hill, PE, Engineering Consultant, Van Cleef Engineering

Quazi Masood, PE, PTOE, Traffic Engineer, Arora & Associates

Dan Dobromilsky, LLA, Township Landscape Architect

Sam Surtees, Land Use Manager and Zoning Officer

CHAIRMAN'S COMMENTS AND CORRESPONDENCE

Chairman Karp announced that the non-agenda comments would be limited to 15 minutes/3 minutes per person. He asked to hold any comments in regard to the striping on Route 1; the matter will be addressed by a member of the West Windsor Police Department during the concept plan discussion later in the meeting.

Chairman Karp asked the members of the Planning Board not to distribute any research, photos, or information to others outside of the Planning Board prior to discussion with the Chairman. Chairman Karp instructed Planning Board members to first submit to the Chairman who would then forward it to Mr. Surtees and/or Mayor Marathe for discussion and/or distribution if applicable.

In order to save time reviewing the minutes, he asked that changes or typographical errors that do not have context be submitted directly to the Recording Secretary who will amend the minutes.

Chairman Karp explained that there will be time appropriated for questions/comment at the end of the concept plan presentation. Vice-Chair Hoberman added that the Planning Board will make no decision tonight on the concept plan. He also asked the applicant to describe the terms in full and not to use acronyms, and to please explain planning concepts.

MINUTES:

June 1, 2022 – Mayor Marathe submitted some typographical errors to the Recording Secretary to amend. Mr. Pankove made a motion to approve the June 1, 2022 minutes, as amended; seconded by Mr. Baig. Approved by voice vote. Not Voting: Geevers

June 29, 2022

Mr. Pankove made a motion to approve the June 29, 2022 minutes; seconded by Mr. Baig. Approved by voice vote. Abstention: Loverro; Not Voting: Geevers

The final version of the minutes will be forwarded to the Administrative Secretary.

RESOLUTION:

PB22-09 Carnegie Center – Building 105
105 Carnegie Center
Block 9, Lot 71
Minor Site Plan, Bulk Variances and Waivers

Chairman Karp gave a description of the resolution.

Mr. Pankove made a motion to approve Planning Board Resolution PB 22-09, as amended; seconded by Councilwoman Geevers.

Roll Call:

Aye: Loverro, Pankove, Geevers, Marathe, Hoberman, Karp

Nay: None

Abstain: None

Absent: Patel, Schectel, Bahree, Appelget

Not Voting: Baig

PUBLIC COMMENTS

Chairman Karp opened the meeting for public comment on non-agenda and non-pending application items.

JOHN CHURCH, 11 Princeton Place (Zoning Board member not speaking on behalf of the Zoning Board): Mr. Church asked if the Avalon Bay building permits have been issued and stated that work has not begun Route 571 or the railroad bridge. He inquired about the “back door” to the Avalon Bay project through the N.J. Transit parking lot; rear emergency exits are needed.

STACEY FOX, 29 Berrien Avenue: Ms. Fox reiterated about the absence of a zoom link for participation to Planning Board meetings so she could comment on the increased traffic and accidents from the proposed new developments. She mentioned that a yield sign was going to be installed (Ms. Fox didn't specify where), but would like to see the road closed off all together. There are 82 conditions of approval and would like the Planning Board to revisit the Bridgepoint application.

TIRZA WAHRMAN, 5 Stonelea Drive: Ms. Wahrman stated that the Bridgepoint application is still lacking Fresh Water Wetlands permits approval from N.J. DEP, County approval and N.J. DOT approval. It will be difficult for the applicant to satisfy the 82 conditions, as well as the flood protection rules. She asked the Planning Board to please re-look at the application and look at the stormwater flood maps. She also agreed that a zoom link is needed for these meetings.

JOHN HINSDALE, 38 Quaker Road: He stated that the government is permitted to seize property under eminent domain as long as the property owner is justly compensated. Currently, the Township has two ordinances permitting the use of eminent domain in 2 areas, near the train station and 10 lots where tonight's project is being built. He was wondering whether the Township was going to proceed with these ordinances.

APPLICATION:

PB20-08 **Penn's Neck Plaza – CONCEPT PLAN**
Block 39, Lots 4, 5, 7, 16, 27
Block 38, Lots 1, 2,3, 25, 45
SE corner of Washington Road & US Route 1
Property Zoned: RP Penn's Neck District
MLUL: N/A

Revised concept review application for a small-scale commercial center implementing public comments and feedback from prior concept review. Applicant is conditional redeveloper for Penns Neck Redevelopment Area, and proposes combining a convenience store/gas station with other complimentary uses that complies with approved Township redevelopment plan. Redeveloper has significantly revised its proposal to remove neighborhood access and increased buffering as requested by the public. Revised concept is the result of feedback from a prior public concept review, numerous meetings, revisions and input from the Township, including four formal technical review committee (TRC) meetings, as well as Mercer County planning and engineering department.

Kevin Moore and Ryan Kennedy Attorneys, with Stevens and Lee, representing the applicant introduced the following speakers:

- Steve Gilbert, Principal, Penn's Neck Associates
- Joseph Flint, Civil Engineer, Langan Engineering
- Karl Pehnke, Traffic Consultant, Langan Engineering
- Jack Zybur, Acoustical Engineer, Lewis Goodfriend & Associates
- Martin Kahn, Penn's Neck Associates

Mr. Gilbert stated that the plan will, hopefully, be the best for everyone. They have listened to the public's concern. It is a low-density project that conforms with the approved development plan, there are no variance requested, and will be an improvement to what is currently there. There will be zero cut-through traffic.

Mr. Flint reviewed the changes that were made. He said they removed the cut-through access from Varsity and Mather Avenues, they installed a turn-around for trucks, they are installing a 20-foot-high noise barrier at Varsity Avenue, and a 8 berm with an wall at Mather Avenue, the trash enclosure was changed, and they lengthened the left turn lane. The impervious was increased from 30% to 60%.

There was discussion, questions, and comments by the Planning Board members throughout the presentation.

The Planning Board professionals' reports were addressed by Attorney Moore.

The following comments/reports were submitted and reviewed by Township Professionals:

David Novak, PP, Planner, Burgis Associates, report dated June 1, 2023

Quazi Masood, PE, Traffic Engineer, Arora and Associates, report dated May 31, 2023

Dan Dobromilsky, LLA, Township Landscape Architect, report dated June 1, 2023

Ian Hill, PE, Engineering Consultant, Van Cleef Engineering, report dated June 2, 2023

submitted by Francis Guzik, Township Engineer

GZA, Township Acoustical Engineers, (not present), report dated June 1, 2023

Tim Lynch, Chief, Emergency Services, (not present), report dated June 2, 2023

West Windsor Bicycle and Pedestrian Alliance, (not present), memorandum dated June 13, 2023

Chairman Karp opened the meeting for public comment/questions on the concept plan, limiting each speaker to 3 minutes.

JOHN HINSDALE, 38 Quaker Road: Mr. Hinsdale described the history of the home at 265 Varsity Avenue that was built in 1929. He also commented on a house on Route 1 owned by Martin Kahn.

AMY WOODWARD, 262 Varsity Avenue: Ms. Woodward inquired about the proposed by-pass through the SRI property and said this will be critical if this project is approved. She feels her neighborhood will be boxed-in and traffic will be worse. The flooding has been worse. She also wanted to make sure the berm will be maintained, who had access to the gate, and she would like to see various signage stating that the neighborhood is not a through-street. Mr. Kahn assured the Board and public that the locked gate will be seamless, look like the rest of the wall, and the sound will not be affected. Their maintenance will have the key to the gate.

ISABELLA PALOWITCH, 198 Mather Avenue: Ms. Palowitch has spoke with Mayor Marathe and said the residents of the community Varsity and Mather Avenues voted that the community completely be closed-up from the proposed development. She said the renderings are not showing this. They do not want foot traffic coming through the neighborhood. There should be a larger berm and smaller fence. Chairman Karp said the Board's professionals will work with the applicant on this. She also inquired about the underground utilities which will be relocated.

KEN SMITH, Pastor of Church on Meadow Road: Mr. Smith said he is concerned about the devaluation of the homes along the fence. He also commented about the name, "Penns Neck Plaza." He has never referred to his community as Penns Neck, and would like not to see a historical name but one reflective of the community.

MARIO RUBELL 6 Coventry Circle: Mr. Rubell thanked the developers for the extra land on Route 1, then asked for an update on the by-pass road from Washington Road West through the SRI property to U.S. Route 1 to alleviate traffic on Washington Road. Mayor Marathe responded that he would address this at the end of the meeting.

SARAH KAMPEL, 13 Wallingford Drive: Ms. Kampel asked if the traffic studies have taken into consideration all the major projects in the area. Mr. Penkhe responded that all has been factored in. She said all these changes are going to make the traffic at Washington Circle much worse.

BARBARA GANTWERK, 196 Mather Avenue: Ms. Gantwerk commented that this is a condemnation/redevelopment plan jointly with the Township and Redeveloper. She commented that the current Gateway to West Windsor Township is gas stations, fast food restaurants, cafes, and drive-thrus. Traffic is important; the refiguration of Route 1 is problematic. This plan traps the residents of this community from getting out. The remaining surrounding roads will be deadlocked. She asked how this applicant can come before the Planning Board before the developer has acquired all the properties.

WALTER HUNTER, 18 N. Post Road: He said he was here on behalf of his daughter and family who live at 254 Washington Road. Besides the traffic nightmare, he asked where the contractors with trailers will park their vehicles. Mr. Hunter asked if a model of this development was created. He also asked where the snow will be placed and is there bicycle access and parking. Available.

BRAD SOLTOFF, 18 Wallingford Drive: Mr. Soltoff asked about the planned Dinky stop. Attorney Moore responded there is no plan for a stop there.

DAN WEISS, 15 (inaudible) Drive: He said this development will affect the quality of life of the people in this neighborhood. Why would anyone want to live in a neighborhood that backs up to a wall.

KRAPESH NAYAK, 255 Mather Avenue: Mr. Nayak stated that the residents had asked for the barrier would be along the entire property line. He also asked why the fence is limited to 6 feet if it is meant for privacy and a sound barrier. He wants to know if there is a better material available for a sound barrier and would hold up better to the elements. He commented on the landscaping and said they will be losing a lot of mature trees. It is an improved plan, but there is more to be addressed.

MAYOR MARATHE: Mayor Marathe addressed questions that were raised. He stated there is no proposal for a Dinky Train Stop. There is money allocated in the budget to design the by-pass road from Washington Road West through the SRI property to U.S. Route 1, although he could not promise a timeline. Mayor Marathe also commented on the eminent domain issue for the Penns Neck Project and stated that the Township will acquire the property and immediately transfer the property to the Developer. The Township will not keep possession. In regard to the striping at the Route 1 and 571 Circle, he asked Police Chief Garofalo to speak about this.

POLICE CHIEF GAROFALO: Police Chief Garofalo stated there have been 150 accidents in 18 months at the Route 571 and Route 1 circle. He said they have been dealing with N.J. DOT continually to solve the issue. A yield sign has been installed, which is helping. He said there is no striping which makes it impossible to determine who is at fault when accidents occur. West Windsor Police Department has submitted several suggestions to N.J. DOT and requested striping, but N.J. DOT are disagreeing and only completing part of the suggestions.

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There was no further comment from the public. Mr. Baig made a motion to close the public portion; second by Mayor Marathe. Voice Vote: All Aye.

ADJOURNMENT

With no further business, Mr. Pankove made a motion to adjourn the meeting; seconded by Mr. Baig at approximately 9:23 pm.

Respectfully submitted,

Cynthia Dziura, RMC/CMR
Recording Secretary