

**EAST WINDSOR TOWNSHIP PLANNING BOARD  
MINUTES OF February 27, 2017**

The meeting of the East Windsor Township Planning Board was held on Monday, February 27, 2017, in the East Windsor Township Municipal Building, 16 Lanning Boulevard, East Windsor, New Jersey, 08520. Planning Board Chairperson Edward Kelley called the meeting to order at 7:36 p.m.

**STATEMENT OF ADEQUATE NOTICE**

Pursuant to the Sunshine Law, a notice of this meeting's date, time, place, and agenda was mailed to the news media, posted on the Township bulletin board, and filed with the Municipal Clerk.

**ROLL CALL**

Members Present: Mr. Berman, Mr. Brady, Mr. Catana, Mr. Katawick, Mayor Mironov, Ms. Patel, Mr. Schmidlin, Mr. Kelley

Members Absent: Mr. Clark, Mr. Shapiro

Professionals and Staff Present: Allison Quigley, Planning Board Secretary  
Jolanta Maziarz, Board Attorney  
Richard Preiss, Township Planner

**REPORTS/CORRESPONDENCE/ANNOUNCEMENTS**

The previous Planning Board meeting scheduled for February 13, 2017 was cancelled and all agenda items were carried to the regularly scheduled meeting of February 27, 2017 without further notice required.

Mayor Mironov stated that she wanted to provide the Board with an update regarding the New Jersey Turnpike. She stated that most members were present at the joint meeting with the Township Council with representatives from the New Jersey Turnpike Authority came in to discuss the condition of the Route 33 maintenance yard, and that the presentation at the time was less than effective. She stated that since the meeting, they have come back with additional information and met with her, Township Manager James Brady, Council Member Perry Shapiro, and the since retired Director of Public Works Bill Askenstedt. She stated that the meeting also was less than effective, as the representatives for the Turnpike Authority spent a lot of time explaining why they could not do certain things that were being discussed. Mayor Mironov stated that a site visit was conducted by Mr. Brady and Mr. Dobromilsky and that they are currently waiting on the Turnpike Authority to provide to them a write up of the results of the site visit. She stated that there needs to be mutual cooperation as they move forward. Mr. Catana agreed with mayor Mironov, and stated that he felt the Authority could take steps to help dress up the front of their maintenance yard facility.

Chairperson Kelley reminded everyone that if they were interested in attending a NJPO training course to contact the Board Secretary to register. Chairperson Kelley also remarked that great progress was being made at the sites of Aurobindo, Gateway Twin Rivers, and Project Terra.

**PUBLIC FORUM**

Chairperson Kelley opened the meeting to the public. There being no public comment, the public forum was closed.

**RESOLUTION 2017-06 – Confirmation of Planning Board Planner Richard Preiss**

MOTION TO APPROVE RESOLUTION 2017-06 MADE BY: Mr. Catana

MOTION SECONDED BY: Mr. Berman

ROLL CALL

AYES: Mr. Berman, Mr. Brady, Mr. Catana, Mr. Katawick, Mayor Mironov, Ms. Patel,  
Mr. Schmidlin, Mr. Kelley  
NAYES: None  
ABSTAIN: None

**RESOLUTION 2016-07 – Confirmation of Planning Board Landscape Architect Daniel Dobromilsky**

MOTION TO APPROVE RESOLUTION 2017-07 MADE BY: Mr. Berman

MOTION SECONDED BY: Mr. Catana

ROLL CALL

AYES: Mr. Berman, Mr. Brady, Mr. Catana, Mr. Katawick, Mayor Mironov, Ms. Patel,  
Mr. Schmidlin, Mr. Kelley  
NAYES: None  
ABSTAIN: None

**RESOLUTION 2017-08 – Confirmation of Planning Board Engineer A. Maxwell Peters**

MOTION TO APPROVE RESOLUTION 2017-08 MADE BY: Mr. Berman

MOTION SECONDED BY: Mr. Schmidlin

ROLL CALL

AYES: Mr. Berman, Mr. Brady, Mr. Catana, Mr. Katawick, Mayor Mironov, Ms. Patel,  
Mr. Schmidlin, Mr. Kelley  
NAYES: None  
ABSTAIN: None

**MINUTES**

**December 19, 2016**

MOTION TO APPROVE DECEMBER 19, 2016 MINUTES MADE BY: Mr. Catana

MOTION SECONDED BY: Mr. Schmidlin

ROLL CALL

AYES: Mr. Berman, Mr. Brady, Mr. Catana, Mayor Mironov, Ms. Patel, Mr. Schmidlin,  
Mr. Kelley

NAYES: None

ABSTAINS: None

**January 30, 2017**

MOTION TO APPROVE JANUARY 30, 2017 MINUTES MADE BY: Mr. Berman

MOTION SECONDED BY: Mr. Catana

ROLL CALL

AYES: Mr. Berman, Mr. Catana, Mr. Katawick, Mayor Mironov, Ms. Patel, Mr. Kelley

NAYES: None

ABSTAINS: None

**RESOLUTIONS**

**Resolution 2017-09 Fordoz Pharma**  
PB16-006  
Block 63.01, Lot 1  
Minor Site Plan  
(Carried from January 30, 2017)

Chairperson Kelley asked Ms. Maziarz to go over the changes to the resolution. Ms. Maziarz stated that on page seven, condition number two was modified to include that the Landscape Architect will submit a review letter to the Board after he reviews the revised landscaping plan. She stated that she saw that was provided. She also stated that paragraph four was deleted. Mayor Mironov stated that the report from the Landscape Architect was received by the Board and that the applicant has complied with the direction of the Board, and asked that the resolution be updated to reflect that. Chairperson Kelley agreed with Mayor Mironov.

MOTION TO APPROVE RESOLUTION 2017-09 WITH CHANGES MADE BY: Mr. Catana

MOTION SECONDED BY: Ms. Patel

ROLL CALL

AYES: Mr. Berman, Mr. Brady, Mr. Catana, Mayor Mironov, Ms. Patel, Mr. Schmidlin,  
Mr. Kelley

NAYES: None

ABSTAINS: None

**Resolution 2017-10 Berkshire Bank**  
PB11-021  
Block 6.07, Lot 15  
Waiver of Site Plan

MOTION TO APPROVE RESOLUTION 2017-10 MADE BY: Mr. Berman

MOTION SECONDED BY: Mr. Catana

ROLL CALL

AYES: Mr. Berman, Mr. Catana, Mr. Katawick, Mayor Mironov, Ms. Patel, Mr. Kelley

NAYES: None

ABSTAINS: None

**DISCUSSION ITEMS**

**Ordinance 2017-01** An Ordinance Amending Section XX, “Zoning,” Subsection 20-11, “R-M Residential Multifamily,” of the Revised General Ordinances of the Township of East Windsor, County of Mercer, State of New Jersey, to Add a New R-M 1 Zone to Provide for a Multifamily Residential Inclusionary Development\

Mayor Mironov stated that this ordinance is pertaining to a property on Old Trenton Road and stated that the Board may recall a conceptual plan that was presented for this property by Laurie Names and Archibald Reed of Thompson Management. She stated that this project is intended to be a part of the Township’s Affordable Housing Plan and that this was the next step to move forward. She stated that the ordinance is in full accordance with the conceptual plan that was presented to the Board, but added that no engineered plans had been developed, and that the ordinance was based on discussions between the developers of the site and the Township. She stated that this proposal was included in the preliminary housing plan that was submitted to the courts, and that the court had granted East Windsor Township immunity based on these initial plan submissions, so it was important to continue to move forward. Mayor Mironov stated that this ordinance is both creating a new zoning district and rezoning a property and that it does provide certain requirements in terms of the affordable housing component, with a 20% rounded up required distribution of moderate and low income units. She stated that while this ordinance is not consistent with the Township Master Plan, she would allow the professionals to address how we can proceed forward. She added that the landowner and proposed developer did suggest two changes to the ordinance. The first change was in section 20-11.A6 and that the word *stacked* would be added before *attached* and that was a typographical error by omission. The other change in wording was in section 20-11A.7, after *et. seq.*, the remainder of the paragraph would be eliminated and replaced with *except that instead of 10% of units being affordable to households earning 30% median income, 13% of units shall be made affordable to such households.*

Mr. Berman asked if this ordinance would be considered spot zoning. Ms. Maziarz stated that in cases of litigation, sometimes settlements include what could be considered spot zoning, similar to this proposed ordinance. She stated that because this is a part of active litigation, and it offers

an opportunity for affordable housing, the courts would allow it. She stated that the Planning Board must determine if the proposed ordinance is not inconsistent with the Township Master Plan, and while this ordinance is inconsistent with the Master Plan, the Board could still endorse its adoption if they felt it served a beneficial purpose and advances the purposes and intent of the Master Plan. Chairperson Kelley stated that he thought this would ultimately be very nice for the Township. Mr. Preiss also expressed his agreeance with Ms. Maziarz's statements.

Chairperson Kelley asked Mayor Mironov if a revision of the Master Plan to include this affordable housing plan should be held until the litigation process was finished. Mayor Mironov stated that it would be her anticipation that they would wait until they have finished going through the courts and then once they reach some finality, they can make changes to the Master Plan. Mr. Preiss stated that many municipalities are adopting two master plans, one serving as a typical master plan and the other serving as a affordable housing plan. Mayor Mironov stated that in the history of the Board, they were treated separately.

Chairperson Kelley opened the meeting to the public. There being no public comment, the public forum was closed.

**MOTION TO RECOMMEND ORDINANCE 2017-01 FOR ADOPTION BY TOWNSHIP COUNCIL MADE BY: Mr. Catana**

**MOTION SECONDED BY: Mr. Schmidlin**

**ROLL CALL**

**AYES:** Mr. Berman, Mr. Brady, Mr. Catana, Mr. Katawick, Mayor Mironov, Ms. Patel, Mr. Schmidlin, Mr. Kelley

**NAYES:** None

**ABSTAINS:** None

**ADJOURNMENT OF MEETING**

There being no further business, the meeting was adjourned.

**CERTIFICATION OF SECRETARY**

I, undersigned, do hereby certify;

That I am the Planning Board Secretary of the Township of East Windsor Planning Board and that the foregoing minutes of the Planning Board, held on March 7, 2016, constitute a true and correct copy of the minutes of the said meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my name of said Planning Board this 20<sup>th</sup> day of March, 2017.

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Allison Quigley, Board Administrative Secretary  
East Windsor Township