

MEETING TO BE BROADCAST ON COMCAST CHANNEL 27
AND VERIZON CHANNELS 41 AND 42

AGENDA FOR THE REGULAR BUSINESS MEETING
OF THE COUNCIL OF WEST WINDSOR TOWNSHIP
271 CLARKSVILLE ROAD
TO THE EXTENT KNOWN

January 13, 2020

7:00 P.M.

1. Call to Order
2. Roll Call
3. Statement of Adequate Notice - January 10, 2020 to The Times and the Princeton Packet.
4. Salute to the Flag
5. Ceremonial Matters and/or Topic for Priority Consideration
6. Public Comment: (30 minutes comment period; 3-minute limit per person)
7. Administration Comments
8. Council Member Comments
9. Chair/Clerk Comments
10. Public Hearings
11. Consent Agenda

A. Resolutions

2020-R026 Approving the Appointment of Prabhat Tomar as Alternate II Member to Fill the Vacancy on the Board of Recreation Commissioners with a Term to Expire on December 31, 2022

- 2020-R027 Approving the Appointment of Farryl Lovett Mixson as a Member to Fill the Unexpired Term on the Shade Tree Commission to Expire on December 31, 2020
- 2020-R035 Approving the Appointment of Michael Garzio as Alternate I Member on the Zoning Board of Adjustment with a Term to Expire on December 31, 2021
- 2020-R036 Approving the Appointment of Eugene Fridkin to Fill the Unexpired Term as Alternate II Member on the Zoning Board of Adjustment with a Term to Expire on December 31, 2020

B. Minutes

C. Bills & Claims

12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk

2020-R028 Authorizing the Budget Transfer to Provide for the Transfer of Funds within the 2019 Municipal Budget **(needs 2/3 majority vote)**

2020-R029 Approving an Amendment to the West Windsor Township Professional Firefighters Association Local 3610 of the International Association of Firefighters (IAFF) Contract

2020-R030 Authorizing the Business Administrator to Purchase Voice Over IP Telephone System from CDW-Government under New Jersey State Contract M7000-87720 - \$86,240.00

2020-R031 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with ACT Engineers Inc., for Miscellaneous Engineering Services for 2020 - \$3,000.00

- 2020-R032 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Van Cleef Engineering Associates, for Miscellaneous Engineering Services for 2020 - \$3,000.00
- 2020-R033 Authorizing the Business Administrator to Execute Change Order No. 1 For an Increase of (3.75%) for Final Quantities Adjustment for the 2019 Sidewalk Repair Program with MNC Concrete - \$3,605.49
- 2020-R034 Authorizing the Mayor and Clerk to Execute the Redevelopers Agreement with VCC Princeton Jct., LLC (ZB18-05) Block 12.04 Lot 18 (Old Sun Bank on Princeton-Hightstown Road)

14. Introduction of Ordinances

- 2020-01 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 82 FEES, SECTION 22 WATERWORKS AT WEST WINDSOR COMMUNITY POOL OF THE CODE OF WEST WINDSOR TOWNSHIP
- Public Hearing: January 27, 2020
- 2020-02 AN ORDINANCE TO AMEND THE SALARY AND WAGE PLAN FOR THE TOWNSHIP OF WEST WINDSOR AND PROVIDE FOR THE ADMINISTRATION THEREOF-FIREFIGHTERS/CAPTAINS
- Public Hearing: January 27, 2020
- 2020-03 AN ORDINANCE AMENDING THE REDEVELOPMENT PLAN FOR PRINCETON JUNCTION BY MODIFYING THE RP-1 DISTRICT
- Public Hearing: January 27, 2020
- 2020-04 AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) AN ORDINANCE AMENDING THE RP-1 DISTRICT STANDARDS
- Public Hearing: January 27, 2020
- 2020-05 AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) AN ORDINANCE ADOPTING THE PENNS NECK BUSINESS COMMERCIAL REDEVELOPMENT PLAN
- Public Hearing: January 27, 2020

2020-06 AN ORDINANCE TO AMEND AND SUUPLEMENT THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) CREATING A NEW PART 7 ENTITLED "ROUTE 1 PENNS NECK BUSINESS COMMERCIAL REDEVELOPMENT AREA" AND AMENDING THE CODE OF WEST WINDSOR (1999) TO CREATE A ROUTE 1 PENNS NECK BUSINESS COMMERCIAL REDEVELOPMENT ZONE

Public Hearing: January 27, 2020

15. Additional Public Comment (three-minute limit per person)
16. Council Reports/Discussion/New Business
17. Administration Updates
18. Closed Session
19. Adjournment

2020-01

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 82 "FEES" SECTION 82-22
WATERWORKS AT WEST WINDSOR COMMUNITY POOL OF THE CODE OF THE TOWNSHIP OF
WEST WINDSOR

§ 82-22 **WaterWorks at West Windsor Community Pool.**

The following ranges of fees and charges are hereby established for the Waterworks at West Windsor Community Pool.

A. Membership fees:

- (1) Family: \$375 to \$500 per year.
- (2) Individual: \$150 to \$250 per year.
- (3) Senior citizen (all residents over the age of 62): \$110 to \$175 per year.

(4) 1 Parent/1 Child: \$275 to \$350 per year.

~~(4) Nonresident family: \$500 to \$700 per year.~~

~~(5) Nonresident individual: \$215 to \$340 per year.~~

~~(6) Nonresident senior (over the age of 62): \$125 to \$250 per year.~~

(8) Nonresident 1 Parent/1 Child \$350 to \$450 per year

~~(7) There will be an additional seventy-five-dollar fee charged to each of the above family membership categories and an additional fifty dollar fee added to each individual and senior membership categories for registrations received after the designated registration period. Registration period will be determined on a yearly basis by the Manager of Recreation and Parks. **[Amended 12-6-2010 by Ord. No. 2010-29]**~~

B. Daily fees:

- (1) Weekday, adult or child over eight: \$12 to \$20 per person.
- (2) Weekday, child age two to eight (under 48 inches): \$10 to \$19 per person.
- (3) Weekday, senior citizen: \$10 to \$18 per person.
- (4) Weekday, all ages, after 5:00 p.m.: \$9 to \$17 per person.
- (5) Weekend, adult or child over eight: \$14 to \$22 per person.
- (6) Weekend, child age two to eight (under 48 inches): \$10 to \$21 per person.
- (7) Weekend, senior citizen: \$10 to \$20 per person.

- (8) Weekend, adult, all ages [or child over eight,] after 5:00 p.m.: \$12 to \$20 per person.
- [(9) Weekend, child age two to eight (under 48 inches) and senior citizen, after 5:00 p.m.: \$9 to \$17 per person.]
- [(10) Nonresident, weekday, adult or child over eight: \$14 to \$22 per person.]
- [(11) Nonresident, weekday, child age two to eight (under 48 inches), \$16 to \$20 and senior citizen, \$12 to \$20 per person.]
- [(12) Nonresident, weekends, adult or child over eight: \$16 to \$23 per person]
- [(13) Nonresident, weekends, child age two to eight (under 48 inches), \$17 to \$22, and senior citizen, \$14 to \$21 per person.]

C. Swim lessons: [**Amended 12-6-2010 by Ord. No. 2010-29**]

- (1) Member of pool: \$[105]120 to \$[140]150.
- (2) Nonmember [, resident]: \$[125]150 to \$[150]180.
- [(3) Nonmember, nonresident: \$140 to \$170.]

D. Whalers Swim Team: [**Amended 12-6-2010 by Ord. No. 2010-29**]

- (1) Swimming only, member of pool: \$150 to \$200.
- (2) Diving only, member of pool: \$150 to \$200.
- (3) Swimming and diving, member of pool: \$[250]260 to \$[300]320.
- (4) Swimming only, nonmember [resident]: \$[200] to \$300.
- (5) Diving only, nonmember [resident]: \$200 to \$300.
- (6) Swimming and diving, nonmember [resident]: \$[330]350 to \$[375]450.
- (7) There will be an additional twenty-five dollar fee charged to every individual registering for swim or dive team after the designated registration period. Registration period will be determined on a yearly basis by the Manager of Recreation and Parks. [Swimming only, nonmember, nonresident: \$230 to \$275.]

[(8) Diving only, nonmember, nonresident: \$230 to \$275.]

[(9) Swimming and diving, nonmember, nonresident: \$375 to \$425.]

E. Discount guest passes (maximum of 20 guest passes available to members):

- (1) Ten-guest pass: [resident,] \$75 to \$150; [nonresident, \$145 to \$175.]
- (2) Five-guest pass: [resident,] \$40 to \$95; [nonresident, \$75 to \$95.]
- F. Prior withdrawal. Members who withdraw prior to the opening day of the season may be issued a refund only if the West Windsor Division of Recreation and Parks is notified in writing at least three weeks prior to opening day of the given year. An administrative service fee of 20% will be imposed for all refunds granted. Absolutely no refunds will be granted after the season opens.
- G. Return check policy. There will be a penalty fee of \$25 for each check returned by the bank for insufficient funds. To maintain membership, payment must be made in cash or money order to the "West Windsor Pool Utility" in the amount of the returned check plus the penalty fee of \$25.
- H. Pool Rental Rates: \$125 to \$150 per hour not including staff. Staff rates will be between \$15 and \$40 per hour. Staff needs will be determined by Manager of Recreation and Parks.
- I. Camp Rental Rates: \$200 to \$400 per hour (includes staff).
- J. Facility Fee: All rentals of the facility will be required to also pay a facility fee of between \$75 and \$150 per rental.

ORDINANCE 2020-02

AN ORDINANCE TO AMEND AND SUPPLEMENT
THE REVISED GENERAL ORDINANCES
OF THE TOWNSHIP OF WEST WINDSOR
ESTABLISHING A SALARY AND WAGE PLAN FOR
THE TOWNSHIP OF WEST WINDSOR AND
PROVIDE FOR THE ADMINISTRATION THEREOF - Fire

Section 1. BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER, STATE OF NEW JERSEY, that the salary and wage plan for employees and officers of the Township is as follows:

G. ANNUAL SALARIES FOR FIREFIGHTERS AND FIRE CAPTAINS

1. JOB CLASSIFICATIONS FOR EMPLOYEES whose positions are represented by the International Association of Firefighters bargaining Unit shall be noted below:

Employees Hired Before January 1, 2017

	2019	2020	2021	2022
	1.85%	1.95%	2.00%	2.00%
Firefighter				
Entry				
Second				
Third	<u>\$53,402</u>			
Fourth	\$57,986	<u>\$59,117</u>		
Fifth	\$62,696	\$63,919	<u>\$65,197</u>	
Sixth	\$67,341	\$68,654	\$70,027	<u>\$71,428</u>
Seventh	\$75,945	\$77,426	\$78,975	\$80,555
Fire Captain	\$84,295	\$85,939	\$87,658	\$89,411

Employees Hired After January 1, 2017

	2019	2020	2021	2022
	1.85%	1.95%	2.00%	2.00%
Firefighter				
Entry	\$43,307	<u>\$43,307</u>		
Second	\$47,485	\$48,411	<u>\$49,379</u>	
Third	\$50,861	\$51,853	\$52,890	<u>\$53,948</u>
Fourth	\$54,236	\$55,294	\$56,400	\$57,528
Fifth	\$57,612	\$58,735	\$59,910	\$61,108
Sixth	\$60,989	\$62,178	\$63,422	\$64,690
Seventh	\$64,365	\$65,620	\$66,932	\$68,271
Eighth	\$67,740	\$69,061	\$70,442	\$71,851
Ninth	\$71,117	\$72,504	\$73,954	\$75,433
Tenth	\$75,945	\$77,426	\$78,975	\$80,555
Fire Captain	\$84,295	\$85,939	\$87,658	\$89,411

Employees Hired After April 1, 2019

	2019	2020	2021	2022
	1.85%	1.95%	2.00%	2.00%
Firefighter				
Entry	\$43,307	\$43,307	\$43,307	\$43,307
Second	\$46,142	\$47,042	\$47,983	\$48,943
Third	\$48,977	\$49,932	\$50,931	\$51,950
Fourth	\$51,812	\$52,822	\$53,878	\$54,956
Fifth	\$54,647	\$55,713	\$56,827	\$57,964
Sixth	\$57,482	\$58,603	\$59,775	\$60,971
Seventh	\$60,317	\$61,493	\$62,723	\$63,977
Eighth	\$63,152	\$64,383	\$65,671	\$66,984
Ninth	\$65,987	\$67,274	\$68,619	\$69,991
Tenth	\$68,822	\$70,164	\$71,567	\$72,998
Eleventh	\$71,657	\$73,054	\$74,515	\$76,005
Twelfth	\$75,945	\$77,426	\$78,975	\$80,555
Fire Captain	\$84,295	\$85,939	\$87,658	\$89,411

Section 2. Part-time and per diem employees are paid based on the hourly rate of annual salary.

Section 3. This Ordinance shall be retroactive to January 1, 2019, after action or inaction by the Mayor as provided by law or an override of mayoral veto by the Council, whichever is applicable. Publication will be according to law.

INTRODUCTION:

PUBLIC HEARING:

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:

Underlined and **Bold** is the only changes to this ordinance.

ORDINANCE 2020-03

**AN ORDINANCE AMENDING THE REDEVELOPMENT PLAN
FOR PRINCETON JUNCTION BY MODIFYING THE RP-1 DISTRICT**

BE IT ORDAINED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, as follows:

Section 1. The first full paragraph on page 8 is amended as necessary to reflect the new district regulations set forth below.

Section 2. The Executive Summary is amended as necessary to reflect the new district regulations set forth below.

Section 3. The Redevelopment Plan Development Summary on page 12 is amended to reflect the new district regulations set forth below.

Section 4. The following shall amend the RP-1 District regulations included in “The Plan” that were amended by Ordinance 2018-28. Added text is underlined, and text being eliminated is [brackets].

DISTRICT RP-1

RP-1 District use regulations

RP-1 District.

A. RP-1 District Use Regulations.

- (1) Purpose. The RP-1 District is envisioned as the core of the Redevelopment Area on the west side of the rail line where a mix of residential, retail, office and civic space can be designed as a distinctive walkable center with a sense of place for Princeton Junction.
- (2) Principal permitted uses. In the RP-1 District, no building or premises shall be used and no building shall be erected or altered on a lot which is arranged, intended or designed to be used, except for one or more of the following uses:
 - (a) Multi-family dwellings, townhouses, stacked townhouses, [age-restricted housing] senior housing and live-work units, including affordable housing meeting all Uniform Housing Affordability Controls (“UHAC”) standards. Residential structures will comply with all federal and state accessibility laws. Senior housing is defined as housing consisting of a bed

and/or unit in one or more of the following housing arrangements: nursing home, senior citizen housing, age-restricted units (independent living), assisted living residence (which may include memory and/or dementia care), and any other housing designed for persons aged 55 and older.

- (b) Civic spaces and uses, including a farmer's market
- (c) One hotel
- (d) Stores and shops for the conduct of any retail business, including specialty and gift shops and boutiques, excluding drive-through facilities.
- (e) Personal service establishments (e.g., tailor, barbershop, or beauty salon).
- (f) Offices for professional services (e.g., physicians, lawyers, financial advisors or architects); commercial offices (e.g., realtors or travel agencies); governmental offices (e.g., post office branch); and offices incidental to uses permitted in this section.
- (g) Restaurants, cafes, luncheonettes and delicatessens, excluding curb service establishments and drive-through facilities but not excluding walk-up services and outdoor dining.
- (h) Indoor recreation facilities, including instructional studios and fitness centers.
- (i) Banks and similar financial institutions, including walk-up automated teller machines (ATM), provided that such are compatible with the design of the building and are appropriately located at the side or rear of a building. Drive-through facilities serving such uses are not permitted.
- (j) Attended laundry and retail dry-cleaning services, not including bulk processing and, in the case of dry-cleaning establishments, not providing for the storage of more than five gallons of flammable or toxic cleaning fluid on the premises.
- (k) Book, newspaper, periodical and stationery stores and copy centers.

- (l) Parcel package shipping stores or mailing centers.
 - (m) Artisan studios, craftsman workshops, and art galleries.
 - (n) Museums and other cultural and civic facilities of a similar nature.
 - (o) Parks and plazas.
 - (p) Buildings and uses for municipal purposes owned or operated by West Windsor Township or not-for-profits designated by the Township.
 - (q) Taverns, limited breweries, and brew pubs.
- (3) Permitted accessory uses.
- (a) Recreational and open space facilities, including, but not limited to, pools, walkways, courtyards and plazas.
 - (b) Off-street parking and loading, including parking structures attached to buildings with principal permitted uses, appropriately screened from public view.
 - (c) Signs.
 - (d) Street furnishings, planters, street lights, and exterior, garden-type shade structures.
 - (e) Sidewalk cafes and outdoor dining facilities associated with permitted restaurants, cafes, luncheonettes, and delicatessens.
 - (f) Fences and walls, which shall complement the architectural style, type and design of the building and the overall project design.
 - (g) Decks, patios and terraces (including rooftop facilities), which shall complement the architectural style, type and design of the building and the overall project design.

- (h) Community bulletin or message boards, including electronic signs with changeable type only for the purpose of conveying information about community events. However, animated type signs shall not be permitted.
 - (i) Public service facilities.
 - (j) Accessory uses customarily incidental to permitted principal uses, including structured parking, management and maintenance offices, fitness and other resident amenities, storm water management facilities and structures.
 - (k) Open-air structures such as gazebos, pavilions, children's play areas and pet parks.
 - (l) Kiosks, which may have restrooms.
- (4) Conditional uses. In the RP-1 District, the following uses may be permitted as conditional uses: Child-care centers meeting the standards set forth in § 200-241, except that (i) they shall not be permitted in freestanding buildings, (ii) the minimum standards applicable to a freestanding child-care center in § 200-241A(1), (3) and (4) shall not be applicable and (iii) the provisions related to an outdoor play area center in § 200-241A(8) and (9) shall not be applicable, if one is not provided as permitted by the New Jersey Department of Human Services.

B. RP-1 District intensity, bulk and other regulations. The following shall be the standards for the RP-1 District:

- (1) Minimum tract area: The entirety of the District, which shall be conceptually planned in a comprehensive integrated manner showing the proposed development for the entire District. Individual components of the District may be shown conceptually to allow for the District to be developed in phases.
- (2) Number of dwelling units: The redeveloper may construct up to 800 dwelling units as of right, at least 95 of which shall be age-restricted. 16.5% of the dwelling units constructed shall be set aside as affordable units complying with all UHAC regulations. At least 37% of the affordable units shall be made available to low-income households and at least 13% shall be made available to very-low-income households as defined by the New Jersey Fair Housing Act. The remaining

affordable units shall be made available to moderate-income households. The affordable units within each residential component of the development shall be dispersed throughout such component.

- (3) Amount of indoor nonresidential square footage: At least 37,000 square feet of indoor nonresidential space shall be constructed by the redeveloper. Nonresidential uses may be located on the first floor of multiuse buildings, except that freestanding one- or two-story nonresidential structures are permitted to be located within the promenade as kiosks or fronting the promenade in a corner location as a nonresidential building. Kiosks and commercial uses within a hotel shall not be counted towards the minimum indoor nonresidential square footage requirement.
- (4) Required outdoor civic space and uses: Consistent with Exhibit E of the Settlement and Redeveloper's Agreement, civic uses shall include a minimum of 50,000 square feet contained in the promenade and shall be provided, owned and maintained by the redeveloper at its cost in perpetuity. It may be used for a farmer's market and other public events sponsored by civic organizations which shall be according to a schedule of availability and rules of usage established by the redeveloper in cooperation with the Township. The promenade shall include a sheltered public gathering space permanently affixed and constructed primarily of glass or other transparent material subject to the approval of the Township. The promenade shall also include a plaza, utilities, and shall be located at a place where the streets could be closed for vehicular traffic at appropriate locations. If necessary, the redeveloper shall provide public use easements allowing the public to use and enjoy the promenade. Public access to restrooms shall be provided during normal business hours and scheduled public events.
- (5) A hotel may be constructed and shall be fronting the promenade.
- (6) Maximum improvement coverage: 95%.
- (7) Maximum building height: Four stories with the exception of:
 - (a) Mixed-use buildings with nonresidential uses on the ground floor which can be up to five stories, provided that the fifth floor facade is stepped back a minimum of six feet from the fourth floor facade below.

- (b) Senior housing buildings may be up to five (5) stories and seventy (70) feet.
- [(b)c] [Hotels]One hotel may be up to [five] six stories and eighty-five (85) feet, plus open or partially covered rooftop terraces and outdoor dining facilities.
- [(c)d] Parking structures attached to buildings with principal permitted uses may be up to six levels and seventy (70) feet. Parking levels located below grade shall not be counted in calculating the number of levels or height. The top floor of the garage shall not be higher than the adjoining building to which it is attached. In those instances where a side of a garage is not attached to a building, a parapet shall be provided in order to shield from view any parked vehicles.
- [(d)e] [Architectural enhancements and building elements and appurtenances such as parapets, chimneys, spires, cupolas, belfries, corner towers or flagpoles, designed for ornamental purposes, as well as functional elements such as elevator housing, roof-mounted HVAC equipment, and roof-access stairwells, are not subject to any specific height limitation but shall not exceed the height of the rooftop they project from by more than 15 feet. Section 200-229 F of Chapter 200 of the Township's Code relating to height exceptions shall not apply. Consistent with the definition from the International Building Code (Section 505.2), mezzanines shall not constitute a story or half story and shall be considered a portion of the story below.]

In accordance with New Jersey Building Code (N.J.A.C. 5:23-3.14), Building Height shall be defined as the vertical distance from grade plane to the average height of the highest roof surface. A grade plane shall be defined as a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.

In this district, height limitation references to footage and number of stories are intended to limit building height to the specified maximum footage and number of stories within said footage. Building height calculations shall exclude building

service equipment (e.g., mechanical services, elevator penthouses, condensers, exhaust fans, air-conditioning and similar equipment), stair enclosures, skylights or atrium structures, roof-access stairwells and amenities on a rooftop terrace (e.g., decking, landscaping, railing, walls, furniture, lighting, pergolas and similar amenities), and architectural enhancements and appurtenances (e.g., parapets, chimneys, cupolas, steeples, spires, belfries, towers, corner towers, flagpoles and similar elements).

[1] Section 200-299 F of Chapter 200 of the Township's Code relating to height exceptions shall not apply.

[2] Mezzanines and lofts that qualify as mezzanines under the International Building Code (Section 505.2) shall not constitute a story or half story and shall be considered part of the story below.

(8) Parking requirements. [1.4375 off-street parking spaces per apartment unit are to be provided within the District. RSIS standards shall apply for townhouses. Nonresidential uses may rely on shared parking and, if available, commuter parking spaces in off-hours and on weekends without the provision of dedicated parking except for employees at a ratio of 1.0 space per 1,000 square feet of nonresidential square footage (as described in Subsection C) excluding hotels. Parking serving hotel guests and employees shall be provided at the rate of 0.6 spaces per room. The required number of spaces for residential uses (excluding townhouses) and non-residential uses may be reduced if a shared parking analysis demonstrates to the Planning Board's satisfaction that a lower number of spaces will be sufficient.]

(a) 1.4375 off-street parking spaces per residential unit are to be provided within the district except for senior housing and townhouses.

(b) 2.0 off-street parking spaces per townhouse shall be provided.

(c) Senior housing requires 0.7 off-street parking spaces per unit.

(d) Non-residential uses may rely on shared parking and, if available, commuter parking spaces in-off hours and on weekends without the provision of dedicated parking except for employees at a ratio of 1.0 space per 1,000 square feet of non-residential square footage (as described in section C.) excluding hotels.

(e) Parking serving hotel guests and employees shall be provided at the rate of 0.6 spaces per room, except that the required number of spaces may be reduced if a shared parking analysis demonstrates that a lower number of spaces will be sufficient.

(f) The applicable parking requirement may be reduced where it can be demonstrated to the satisfaction of the Planning Board that such reductions are justified by reason of proximity to public transportation and/or documented arrangements for shared parking supported by analyses consistent with the Urban Land Institute's Shared Parking Analysis or other generally accepted standards applicable to shared parking.

(9) Other standards

(a) No development shall proceed in the District without a redeveloper's agreement with the Township.

(b) There shall be no FAR (floor area ratio) or MIC (maximum improvement coverage) requirements for individual lots, such requirements applying only district-wide regardless of subdivisions created to separate buildings, uses, ownership or financing within the overall RP-1 District. Setback and building distance standards are not applied in order to maximize flexibility of the design and to achieve the goals of the RP-1 District as a compact, walkable center with an active public space and street life.

(c) Procedures for snow storage and removal shall be identified.

C. RP-1 District Design Standards

The RP-1 District is intended to promote redevelopment to achieve the goals of the District as a compact, walkable center with active street life and a promenade as the primary public space. The creation of a cohesive built environment where existing and proposed commercial and residential development are integrated is essential to this district. These design standards are intended to maximize flexibility of the design to achieve the goals of the district. All standards set forth in the Township Land Use Code, other than District regulations, shall continue to apply except when inconsistent with the design standards set forth below.

(1) Promenade public space (which is shown conceptually in Exhibit E of the Settlement and Redeveloper's Agreement).

- (a) The promenade shall be designed to include passive areas and active public gathering space that can host a farmer's market and other public events.
- (b) If applicable, the farmer's market shall include stall areas, an open-air pavilion structure, a plaza and utilities such as electric and water. It shall be located on the promenade at a place where the streets could be closed to vehicular traffic at appropriate locations.
- (c) The promenade shall utilize shared space principles that combine movement and other civic functions of streets and public space. This includes aesthetic treatments considering decorative materials and/or patterns for all vehicular, pedestrian and shared paved surfaces. Pavements should be specifically designed to emphasize the creation of spaces and transition between spaces or zones and to provide visual clues to pedestrians, bicyclists and motorists to reinforce the use and function of the area as a low speed pedestrian-oriented public space through which motor vehicles travel and park. Bollards [shall be used in place of curbs to provide] or visual clues (including, but not limited to, pavement, colors/textures, pedestrian/bicycle symbols and/or signage, planters, landscaping, street trees, ground cover landscaping, street furniture, lampposts and other street lighting techniques, fixed benches and moveable seating, and outdoor café zones) shall be utilized for defining separation of pedestrian circulation from vehicular travel lanes and on-street parking. More refined pavements should be utilized to emphasize and enhance areas designed for larger volumes of pedestrian activity such as building entrances, plazas and terraces, nodes, drop-off and pick-up zones and crosswalks. A palette of compatible decorative pavements and/or pavement patterns should be developed for the entire promenade.

(2) Circulation and parking.

- (a) Streets shall include on-street parallel or angled parking in order to promote pedestrian street activity, lower vehicular speeds, and provide convenient access to retail uses and the promenade.
- (b) Off-street parking and service access shall be designed to avoid the backing in and out of streets.

(c) Roadway identified on the concept plan as Road A shall be contained in a maximum right-of-way of 50 feet.

[(c)](d) Sidewalk widths shall measure [between] at least 10 feet [and 15 feet] in the core retail and promenade area in the RP-1 District and shall be a minimum of five feet wide in all other areas (except where vehicle parking overhang of a sidewalk area can occur wherein the width of the sidewalk area is to be a minimum of six feet). All sidewalks should be durably paved and smoothly surfaced to provide for the free movement of pedestrians. All sidewalks and pathways must be designed to provide access for the physically disabled. Access ramps shall be conveniently placed and sloped to provide easy connection to streets and sidewalks, in conformance with the applicable accessibility standards.

[(d)](e) The minimum width for off-road bike lanes is eight feet.

[(e)](f) Surface parking cannot be located between the building and the front property line. Where surface parking may be located along a street frontage, such must be screened from the street by a solid fence or wall at a minimum height of 48 inches.

[(f)](g) Structured parking may be contained within, under or attached to buildings. Parking structures or podium-type parking under buildings may not front toward the promenade public space. Where parking structures front on public streets, such may feature liner buildings which are shallow commercial or residential buildings on the facades of parking structures or ground floor space along the sidewalk designed as amenity, utility, retail, commercial or office space.

[(g)](h) All facilities that provide parking to the public for nonresidential uses shall provide parking for bicycles at a rate of one bicycle space per 10 automobile parking spaces for the first 100 parking stalls and one bicycle space for every 20 automobile parking spaces beyond that.] There shall be one bicycle parking space per 10 automobile parking spaces for the first 100 parking stalls allocated to nonresidential uses for the public, and one bicycle space for every 20 automobile parking spaces allocated to nonresidential uses for the public beyond that.

[(h)](i) A minimum of two spaces will be provided for parking for shared car services.

[(i)](j) Loading for nonresidential uses fronting on the promenade may be accommodated by collective provision for loading facilities that allow for sharing of such facilities among two or more uses and may be located in either on-street loading zones or off-street loading areas, which may be located within a building or a parking structure. A hotel shall provide an off-street loading area [with a minimum of one berth].

(3) Landscape architectural treatments and guidelines.

(a) All plants, trees, shrubs, pedestrian pavements and streetscape elements shall be installed in accordance with a landscape plan and schedule provided by the redeveloper, subject to the approval of the Planning Board.

(b) Landscape architectural treatments shall be provided throughout the redevelopment area to create spatial definition or separation, shade, visual interest, seasonal color, visual buffering, microclimatic enhancement, and habitat and to improve safety.

(c) Indigenous plant species shall be primarily specified within the District and invasive exotic species shall be avoided. Any landscaping that is not resistant to the environment, or that dies, shall be replaced by the redeveloper in accordance with the maintenance guarantee provisions of the municipal land use law.

(d) In landscaped spaces, passive systems such as cisterns and water gardens that collect rainwater for irrigation or recharge are encouraged.

(e) Soil moisture-sensing irrigation systems shall be used.

(4) Building orientation, massing and facade composition.

(a) New buildings within the District should be considered an integral part of the overall site design and developed with appropriate consideration for both proposed and existing

buildings with respect to height, mass, siting, location, materials, orientation, signs, lighting and use.

- (b) Buildings shall front on the promenade and public streets to provide form and function to the streetscape. The streetscape should be continuous and varied through the use of street furniture, landscaping, building articulation, building frontage setbacks and changes in sidewalk types and textures. Driveway intersections with the public street should be minimized to avoid excessive interruptions in the streetwall.
- (c) Buildings shall be designed to present an articulated facade from all vantage points. Parking structures shall not front on the promenade. Parking structures or that portion of a building containing a parking structure that is not fronting on the promenade may have an exterior clad in a vine-covered trellis, graphic panels, solar panels, a window-like facade treatment, liner buildings or ground floor space along the sidewalk designed as retail, commercial, residential or office space.
- (d) The architectural treatment of the front facade shall be continued in its major features around all visibly exposed sides of a building with the exception of parking structures or that portion of a building containing a parking structure. All sides of a building shall be architecturally designed to be consistent with regard to style, materials, colors and details. Blank wall or service area treatment of side and/or rear elevations visible from public view shall be avoided.
- (e) Unless the redeveloper proposes a specific use that requires a unique building, such as a hotel, buildings should be designed utilizing base, middle and top forms as the primary method relating buildings to each other.
- (f) The base shall be considered the first story of the facade facing a public street, depending on the overall heights of the building. The design of the base, as well as the quality and durability of its materials, should be emphasized to create visual interest and support pedestrian activity. The building's base should be presented to the Planning Board at a larger scale of drawing and greater detail than the remainder of the facade to ensure it meets the building design objectives.

- (g) In addition to the base, the exterior design of mixed-use residential buildings shall include a middle field section and a cap on the top. The middle of the building shall be differentiated from the base by a horizontal transition line. A horizontal transition line should also be established separating the middle field from the cap or top of the buildings.
- (h) The base transition line should generally be defined at the water table, sill of the ground floor windows or top of the ground floor. The upper transition line articulating the cap should generally be defined by a cornice, projecting overhang or other appropriate means that defines the cap of the building.
- (i) Building exteriors shall have vertical and/or horizontal offsets to create visual breaks on the exterior. Long, monotonous, uninterrupted walls or roof planes shall be avoided. Building wall offsets, including projections such as balconies, canopies, awnings, and signs, recesses, and changes in floor level shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, roofline offsets, dormers, or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
- (j) For townhouses or stacked townhouses, buildings may contain a maximum of 12 townhouse dwellings or stacked townhouse modules (24 stacked [townhomes] townhouses) in a single row and shall not require any facade, height or roofline offsets. The base of townhouses or stacked townhouses should generally be defined at the water table, sill of the ground floor windows or top of the ground floor and the cap should generally be defined by a cornice or overhanging eave line. Townhouses or stacked townhouses shall have a front entry that faces a street, courtyard, mews or other open space, with garages accessed from the rear (via a driveway and/or alley), and are not required to have private outdoor space at the ground level.
- (k) In general, it is preferred to keep the street facade parallel to the property line in alignment with adjacent buildings.
- (l) Blank walls must contain architectural relief such as expressive details, blind windows, murals, etc.

- (m) All buildings shall provide scale-defining architectural elements or details at the first two floor levels minimum, such as windows, spandrels, awnings, porticos, pediments, cornices, pilasters, columns and balconies.
- (n) Windows for residential buildings shall be primarily vertically proportioned. Tinted and highly reflective glass are discouraged.
- (o) Ground-floor retail, services, and restaurant uses shall have large transparent windows. Such windows shall be framed by the surrounding wall and shall be a minimum of 75% of the total ground-level facade area adjoining the sidewalk. The window wall facade area may be reduced if, due to a particular use or settings, the provision of windows will present concerns for aesthetic design or security. However, the facade design should employ an arrangement of materials that reflects the required window area and/or lines to be compatible with the intent of these guidelines.
- (p) The predominant material of all street walls on primary and secondary streets shall be brick, precast, cement-board siding, wood, metal storefront, tile, stone, stone veneer, resin panels, composites, metal panels and finished masonry block, or curtain wall. Stucco may be used as an accent. All materials, colors and elevations shall be approved by the Planning Board.
- (q) Shop fronts may have a kick plate that ranges in height from [18] 8 inches to 42 inches running continuously beneath the required fenestration.
- (r) Public access to commercial and governmental buildings shall be provided at sidewalk grade. The primary floor of and access to residential structures may be elevated.
- (s) The front doors of all buildings shall be visible from the street unless fronting on a courtyard, mews or other open space. If located more than 10 feet from the front building line, their location must be reinforced with additional graphics, signage, lighting, marquees or canopies.

- (t) All entrances to a building, except service and emergency egress doors, shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, balustrades, canopies, awnings, and other elements, where appropriate. Any such element utilized, including doors, shall be architecturally compatible with the style, materials, colors and details of the building as a whole. The main entrance shall face the street on which the property fronts.
- (u) Awnings, which add visual richness to the commercial corridor while enhancing the quality of public walkways, are encouraged for all storefronts. Awnings shall have fixed or retractable metal framework.
- (v) Canopies, unlike awnings, are nonretractable. They shall be constructed of wood or metal framing, standing-seam metal roof or glass roof as solid canopies or semi-open trellises. Canopies may incorporate signage and down lighting. Security shall be implemented so that it cannot be seen, and security grille housing is specifically prohibited. For flat solid panel clad canopies, a membrane could be used if concealed from pedestrian view.
- (w) All awnings and canopies shall be securely attached to the building so that the lowest part of the awning or canopy is mounted a minimum of eight feet above the sidewalk at the storefront. Awnings and canopies may project over a sidewalk and/or in the public right-of-way.
- (x) Buildings directly fronting the promenade shall be designed to appear as landmark buildings. One possible treatment to achieve this goal would have buildings designed with additional height or architectural embellishments, such as corner towers, to emphasize their location.
- (y) Appropriate design of the corner of mixed-use buildings directly fronting the promenade shall include one of the following patterns:

[1] Opening the space at ground level for people to walk across the corner, with the building mass above redefining the corner.

- [2] A recessed entry at the corner such as the familiar angled wall with an entry door.
 - [3] A corner window with an important view into the building.
 - [4] Balconies or bay windows that wrap the corner.
 - [5] A tower element.
- (z) Multistory buildings with flat roofs shall provide light color roof surfaces. Green roof plantings and solar photovoltaic systems on roofs and parking decks shall be permitted.
 - (aa) Excepting the antenna itself, all parts and components of personal communications antennas, satellite dishes, and television and radio antennas shall be screened from view regardless of elevation, or shall be disguised within an enclosed structure. The screening shall be designed as part of the overall design theme of the building to which it is associated.
 - (bb) Dish antennas may not exceed 12 feet in diameter.
 - (cc) Mechanical equipment located on building roofs shall be screened so as not to be visible from the ground level from adjacent developments and from public streets and spaces. Mechanical equipment at ground level shall be screened and in the rear.
- (5) Lighting.
- (a) Lighting levels along paved portions of public walks shall be an average of no less than one footcandle for commercial areas and 0.5 footcandle for residential areas.
 - (b) Fixtures serving to light streets shall be at a height of no greater than 20 feet above the adjacent roadway surface. The light center of a fixture for a pedestrian walkway shall be mounted at a height of 12 feet to 14 feet above the adjacent surface of the walkway, except for bollard fixtures, footlight fixtures and other low-mounted fixtures. The fixtures may include

attachments to accommodate such amenities as banners, seasonal lighting, and flower pots.

- (c) The design for a proposed facade must consider the appearance of the building in the evening and develop an exterior lighting plan that includes display window lighting, building lighting, and pedestrian-scaled lighting for both buildings and pedestrian areas within the site. Lighting shall be warm in color, with control of glare for the pedestrian.

(6) Streetscape.

- (a) A palette of compatible site furnishings should be developed for the entire District. Street furnishings may include elements such as benches, gazebos, trash and recycling receptacles, bicycle racks, bird houses, drinking fountains, kiosks, sculptural elements, decorative fountains, bollards, decorative fences, seat walls, and pedestrian-scale lighting.
- (b) Community bulletin boards, such as kiosks, may be provided at strategic locations, including on the promenade.
- (c) Freestanding newspaper and advertising dispensers shall not be permitted in the right-of-way of primary streets and shall be incorporated into approved buildings or pavilions.
- (d) Outdoor cafes may extend onto the public right-of-way upon issuance of a license by the Township. Such encroachment shall convey no rights to the licensee beyond those enumerated in the license. Outdoor cafes [shall] may be delineated from the public way by planters and/or barriers such as metal fencing [with no more than two entrances to the cafe seating area]. A clear width of at least four feet shall be maintained [between any outward portion of the cafe and the closest street furniture and equipment] for pedestrians to pass either outboard or inboard.

(7) Signage. In lieu of § 200-258D, the following shall apply:

- (a) The temporary display of signs, banners, flags, pennants and similar devices in connection with special events or activities of a public or nonprofit nature shall be permitted, provided [such display shall not exceed 14 days and shall not occur more

than 12 times per calendar year] that temporary signs which are displayed between one (1) and eighty-nine (89) days shall not occur more than twelve (12) times per calendar year and temporary signs that are displayed between ninety (90) and one hundred and twenty (120) days shall not occur more than six (6) times per calendar year. The materials for temporary signage shall consist of vinyl, mesh, fabric, or other durable material. Such temporary signs shall be permitted in the RP-1, RP-4, and RP-6 Districts.

- (b) The temporary display of signs, banners, flags, pennants and similar devices, in connection with the opening of a new business use or reopening of an existing business use shall be permitted provided such display shall not exceed three months for nonresidential uses and 15 months for hotel and residential uses.
- (c) Existing nonconforming signs shall be removed from this District within a period of 12 months after building permit issuance.
- (d) All signs within the project area shall be part of the overall total design scheme and in keeping with the architectural character of the District in which the sign is located.
- (e) Each type of signage shall be permitted on the same site, provided that the standards set forth below are satisfied.

[1] Wall signage.

[a] The following types of wall signs shall be permitted:

- [i] Internally lit raised letters.
- [ii] Backlit raised letters.
- [iii] Signage board with gooseneck lighting.
- [iv] Individual cut letters with gooseneck lighting.

[b] The maximum sign area shall be [80% of the linear tenant frontage, with a maximum of 50 square feet] no greater than five percent (5%) of the total tenant wall area.

[2] Hanging signs and blade signs.

- [a] [One hanging sign shall be permitted per business with the exception of residential and hotel buildings which can have one per building entry and one for each exterior building corner.] One (1) hanging sign or blade sign is allowed per twenty-five (25) linear feet of frontage with a maximum of two (2) signs per frontage.
- [b] The maximum sign area shall be 10 square feet per side [with the exception of blade signs for residential and hotel buildings which maximum sign area shall be 50 square feet].
- [c] The letter and logo height shall be a maximum of [12 inches with the exception of blade signs and banners which maximum height shall be 18 inches] eighteen (18) inches.
- [d] Hanging signs may project a maximum of five (5) feet over a sidewalk and/or in the public right-of-way. A blade sign may only project beyond five (5) feet if attached to the underside of a tenant's canopy but may not exceed the canopy projection or an overall projection of eight (8) feet, whichever is less.
- [e] Hanging signs and blade signs must have a clearance height of eight (8) feet above the sidewalk and shall not be mounted above a tenant façade.
- [f] Hanging signs and blade signs may be externally lit.

[3] Banner signs

- [a] One (1) banner sign shall be permitted per fifty (50) linear feet of frontage with a maximum of two (2) banners per frontage with the exception of residential and hotel entries which can have one (1) per entry and one (1) for each exterior building corner.
- [b] The maximum sign area shall be 100 square feet per side.

[c] Banner signs shall have a maximum projection of eight feet.

[d] Banner signs must have a clearance height of ten feet above the sidewalk.

[e] Banner signs may be mounted to the base building above the ground floor but shall not exceed an overall height of fifty feet above the finished sidewalk.

[f] Letters are limited to twenty-four inches in height.

[g] Banner signs may be externally or internally lit.

[h] Banner signs may project over a sidewalk and/or in the public right-of-way.

[[3]4] Street address signage.

[a] Street address signage shall be provided on each building or for each individual tenant.

[b] Street address numbers shall have a maximum height of eight inches.

[[4]5] Kiosk signage.

[a] Freestanding signs such as Parisian-style kiosks and interactive digital kiosks shall be permitted in order to identify the promenade and individual uses located in the District to passersby on major roads at the edges of the District as well as within or leading to the promenade and to advertise local events.

[b] The maximum kiosk sign area shall be 30 square feet, as measured on each face.

[c] The maximum kiosk sign height shall be 16 feet above finished grade.

- [d] Kiosks [signs] may be located in a paved sidewalk area including within the public right-of-way of streets and sidewalks.
- [e] The base of the kiosk sign shall be landscaped with plants that extend a minimum of two feet in all directions unless such kiosk is located within a paved sidewalk area.

[[5]6] Awnings and canopies.

- [a] Awnings and canopies shall be architecturally compatible with the building or retail tenant.
- [b] Awnings and canopies shall be kept in good order.
- [c] One sign on an awning or canopy shall be permitted, provided that:
 - [i] The letter logo height does not exceed 50% of the main area of the awning or canopy.
 - [ii] The letter and logo area may be located on the valance of the awning or face of the canopy and shall not exceed 12 inches in height.
 - [iii] The letter and logo area may be located above the canopy and shall not exceed 12 inches in height.

[[6]7] Window lettering and signs. Window lettering and signs shall be permitted, provided that they:

- [a] Are inside the window.
- [b] Do not exceed 15% of the window area if solid and 25% of the window area if die-cut.
- [c] Pertain only to the establishment occupying the premises where the window is located except when premises are unleased/empty.

- (f) Temporary construction and sales signage.
 - [a] Signage shall be removed within the later of (a) three years of the issuance of a sign permit or (b) one year of the time of the final certificate of occupancy[, whichever comes first]. One sign per each road frontage shall be permitted. However, construction signs which contain noncommercial messages, such as signs identifying individual lots, [or] construction ingress and/or egress[,] or safety protocols, shall be permitted.
 - [b] Temporary contractor signage. Only one sign shall be permitted identifying lenders, architects, engineers or contractors doing work on the site. Such sign shall be a maximum of four square feet per entity, but not to exceed 25 square feet. This sign shall be removed when work ceases or is abandoned or when a final certificate of occupancy for the project is issued, whichever occurs sooner.
- (g) Billboards are prohibited.
- (h) A signage package shall be submitted as a part of any application for final site plan approval.

Section 5. The following definitions shall apply to the RP-1 District:

BREW PUB – A restaurant with a Restricted Brewery License from the State of New Jersey that prepares handcrafted beer for consumption on the premises and is operated in conjunction with a restaurant regularly and principally used for the purposes of providing meals to its customers and having kitchen and dining room facilities.

LIMITED BREWERY – A commercial facility, which shall not sell or serve food or operate a restaurant, which brews any malt alcoholic beverages in quantities for which it is licensed by the Alcoholic Beverage Commission and which sells the product at retail to consumers on the licensed premises of the brewery for consumption on the premises but only in connection with tours of the brewery, or for consumption off premises in a quantity of not more than 15.5 fluid gallons per person, and to offer samples for sampling purposes only. "Sampling" shall mean the selling at a nominal charge or the gratuitous offering of an open container not exceeding four ounces of any malt alcoholic beverage produced on the premises.

SIGN TYPES, BANNER – A double-sided sign which projects perpendicular from a building façade.

SIGN TYPES, BLADE – A double-sided sign which projects perpendicular from a tenant facade.

STACKED TOWNHOUSE – A building containing two or more connected dwelling units stacked one dwelling above another, which can include shared floors divided by walls and shared common party walls connected to other such building modules, with private entrances to each dwelling. For purposes of this chapter, a townhouse may include dwelling units in condominium or cooperative ownership or any combination thereof.

Section 6. The following shall amend the “Property Acquisitions” section (page 118) of “The Plan.” Added text is underlined, and text being eliminated is in [brackets].

The current plan for the Redevelopment Area envisions the potential need for property acquisitions for road right-of-way area and areas for wetland mitigation. The Redevelopment Plan also envisions that land swaps between New Jersey Transit, West Windsor Township, and its Parking Authority may be necessary to implement Plan proposals. For purposes of clarity, all properties within the RP-1, RP-3 and RP-10 Districts may be acquired by the Township, including through the exercise of the power of eminent domain, for such purposes, or to eliminate restrictive covenants, easements or similar property interests that may obstruct or undermine the implementation of the Redevelopment Plan. In addition, Block 5, Lot 19 as shown on the Tax Map of the Township of West Windsor is proposed to be acquired so that it may be redeveloped in accordance with the Redevelopment Plan.

Section 7. The section entitled “Statutory and Other Provisions and Compliance therewith,” Subsection entitled “Statutory Requirements,” paragraph 4 is amended to read as follows. Added text is underlined, and text being eliminated is in [brackets].

Identification of Property to be Acquired: The Redevelopment Plan is sufficient to identify any properties within the Redevelopment Area which are proposed to be acquired. Except as otherwise set forth in the “Property Acquisitions” Subsection of this Plan, no properties within the Redevelopment Area are proposed to be acquired [as of the adoption of this Plan].

Section 8. This ordinance shall be in force after action or inaction by the Mayor as provided by law or an override of mayoral veto by the Council whichever is applicable, and publication according to law.

INTRODUCTION:
PLANNING BOARD REVIEW/APPROVAL:
PUBLIC HEARING:
ADOPTION:
MAYOR'S APPROVAL:
EFFECTIVE DATE:

Amended RP-1 District Ordinance 12-06-19

ORDINANCE 2020-04

**AN ORDINANCE TO AMEND AND SUPPLEMENT
THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999)**

AN ORDINANCE AMENDING THE RP-1 DISTRICT STANDARDS

BE IT ORDAINED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, as follows:

Section 1. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 1, Site Plan Review, Article II, Terminology, Section 200-4, Definitions, Subsection B is amended by adding the following NEW definitions. Added text is underlined, and text being eliminated is in [brackets].

BREW PUB – A restaurant with a Restricted Brewery License from the State of New Jersey that prepares handcrafted beer for consumption on the premises and is operated in conjunction with a restaurant regularly and principally used for the purposes of providing meals to its customers and having kitchen and dining room facilities.

LIMITED BREWERY – A commercial facility, which shall not sell or serve food or operate a restaurant, which brews any malt alcoholic beverages in quantities for which it is licensed by the Alcoholic Beverage Commission and which sells the product at retail to consumers on the licensed premises of the brewery for consumption on the premises but only in connection with tours of the brewery, or for consumption off premises in a quantity of not more than 15.5 fluid gallons per person, and to offer samples for sampling purposes only. "Sampling" shall mean the selling at a nominal charge or the gratuitous offering of an open container not exceeding four ounces of any malt alcoholic beverage produced on the premises.

SIGN TYPES, BANNER – A double-sided sign which projects perpendicular from a building façade.

SIGN TYPES, BLADE – A double-sided sign which projects perpendicular from a tenant façade.

Section 2. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 5, Princeton Junction Redevelopment Plan Regulatory Provisions, Article XXVII, Use and Bulk Regulations for Residence Districts, Section 200-260 is hereby amended to read as follows. Added text is underlined, and text being eliminated is in [brackets].

§ 200-260 RP-1 District.

A. RP-1 District Use Regulations.

- (1) Purpose. The RP-1 District is envisioned as the core of the Redevelopment Area on the west side of the rail line where a mix of residential, retail, office and civic space can be designed as a distinctive walkable center with a sense of place for Princeton Junction.
- (2) Principal permitted uses. In the RP-1 District, no building or premises shall be used and no building shall be erected or altered on a lot which is arranged, intended or designed to be used, except for one or more of the following uses:
 - (a) Multi-family dwellings, townhouses, stacked townhouses, [age-restricted housing] senior housing and live-work units, including affordable housing meeting all Uniform Housing Affordability Controls (“UHAC”) standards. Residential structures will comply with all federal and state accessibility laws. Senior housing is defined as housing consisting of a bed and/or unit in one or more of the following housing arrangements: nursing home, senior citizen housing, age-restricted units (independent living), assisted living residence (which may include memory and/or dementia care), and any other housing designed for persons aged 55 and older.
 - (b) Civic spaces and uses, including a farmer’s market
 - (c) One hotel
 - (d) Stores and shops for the conduct of any retail business, including specialty and gift shops and boutiques, excluding drive-through facilities.
 - (e) Personal service establishments (e.g., tailor, barbershop, or beauty salon).
 - (f) Offices for professional services (e.g., physicians, lawyers, financial advisors or architects); commercial offices (e.g., realtors or travel agencies); governmental offices (e.g., post office branch); and offices incidental to uses permitted in this section.
 - (g) Restaurants, cafes, luncheonettes and delicatessens, excluding curb service establishments and drive-through facilities but not excluding walk-up services and outdoor dining.

- (h) Indoor recreation facilities, including instructional studios and fitness centers.
 - (i) Banks and similar financial institutions, including walk-up automated teller machines (ATM), provided that such are compatible with the design of the building and are appropriately located at the side or rear of a building. Drive-through facilities serving such uses are not permitted.
 - (j) Attended laundry and retail dry-cleaning services, not including bulk processing and, in the case of dry-cleaning establishments, not providing for the storage of more than five gallons of flammable or toxic cleaning fluid on the premises.
 - (k) Book, newspaper, periodical and stationery stores and copy centers.
 - (l) Parcel package shipping stores or mailing centers.
 - (m) Artisan studios, craftsman workshops, and art galleries.
 - (n) Museums and other cultural and civic facilities of a similar nature.
 - (o) Parks and plazas.
 - (p) Buildings and uses for municipal purposes owned or operated by West Windsor Township or not-for-profits designated by the Township.
 - (q) Taverns, limited breweries, and brew pubs.
- (3) Permitted accessory uses.
- (a) Recreational and open space facilities, including, but not limited to, pools, walkways, courtyards and plazas.
 - (b) Off-street parking and loading, including parking structures attached to buildings with principal permitted uses, appropriately screened from public view.
 - (c) Signs.
 - (d) Street furnishings, planters, street lights, and exterior, garden-type shade structures.

- (e) Sidewalk cafes and outdoor dining facilities associated with permitted restaurants, cafes, luncheonettes, and delicatessens.
 - (f) Fences and walls, which shall complement the architectural style, type and design of the building and the overall project design.
 - (g) Decks, patios and terraces (including rooftop facilities), which shall complement the architectural style, type and design of the building and the overall project design.
 - (h) Community bulletin or message boards, including electronic signs with changeable type only for the purpose of conveying information about community events. However, animated type signs shall not be permitted.
 - (i) Public service facilities.
 - (j) Accessory uses customarily incidental to permitted principal uses, including structured parking, management and maintenance offices, fitness and other resident amenities, storm water management facilities and structures.
 - (k) Open-air structures such as gazebos, pavilions, children's play areas and pet parks.
 - (l) Kiosks, which may have restrooms.
- (4) Conditional uses. In the RP-1 District, the following uses may be permitted as conditional uses: Child-care centers meeting the standards set forth in § 200-241, except that (i) they shall not be permitted in freestanding buildings, (ii) the minimum standards applicable to a freestanding child-care center in § 200-241A(1), (3) and (4) shall not be applicable and (iii) the provisions related to an outdoor play area center in § 200-241A(8) and (9) shall not be applicable, if one is not provided as permitted by the New Jersey Department of Human Services.

B. RP-1 District intensity, bulk and other regulations. The following shall be the standards for the RP-1 District:

- (1) Minimum tract area: The entirety of the District, which shall be conceptually planned in a comprehensive integrated manner showing the proposed development for the entire District. Individual components of the District may be shown conceptually to allow for the District to be developed in phases.
- (2) Number of dwelling units: The redeveloper may construct up to 800 dwelling units as of right, at least 95 of which shall be age-restricted. 16.5% of the dwelling units constructed shall be set aside as affordable units complying with all UHAC regulations. At least 37% of the affordable units shall be made available to low-income households and at least 13% shall be made available to very-low-income households as defined by the New Jersey Fair Housing Act. The remaining affordable units shall be made available to moderate-income households. The affordable units within each residential component of the development shall be dispersed throughout such component.
- (3) Amount of indoor nonresidential square footage: At least 37,000 square feet of indoor nonresidential space shall be constructed by the redeveloper. Nonresidential uses may be located on the first floor of multiuse buildings, except that freestanding one- or two-story nonresidential structures are permitted to be located within the promenade as kiosks or fronting the promenade in a corner location as a nonresidential building. Kiosks and commercial uses within a hotel shall not be counted towards the minimum indoor nonresidential square footage requirement.
- (4) Required outdoor civic space and uses: Consistent with Exhibit E of the Settlement and Redeveloper's Agreement, civic uses shall include a minimum of 50,000 square feet contained in the promenade and shall be provided, owned and maintained by the redeveloper at its cost in perpetuity. It may be used for a farmer's market and other public events sponsored by civic organizations which shall be according to a schedule of availability and rules of usage established by the redeveloper in cooperation with the Township. The promenade shall include a sheltered public gathering space permanently affixed and constructed primarily of glass or other transparent material subject to the approval of the Township. The promenade shall also include a plaza, utilities, and shall be located at a place where the streets could be closed for vehicular traffic at appropriate locations. If necessary, the redeveloper shall provide public use easements allowing the public to use and enjoy the promenade. Public access to restrooms shall be provided during normal business hours and scheduled public events.
- (5) A hotel may be constructed and shall be fronting the promenade.

- (6) Maximum improvement coverage: 95%.
- (7) Maximum building height: Four stories with the exception of:
- (a) Mixed-use buildings with nonresidential uses on the ground floor which can be up to five stories, provided that the fifth floor facade is stepped back a minimum of six feet from the fourth floor facade below.
 - (b) Senior housing buildings may be up to five (5) stories and seventy (70) feet.
 - [(b)c] [Hotels]One hotel may be up to [five] six stories and eight-five (85) feet, plus open or partially covered rooftop terraces and outdoor dining facilities.
 - [(c)d] Parking structures attached to buildings with principal permitted uses may be up to six levels and seventy (70) feet. Parking levels located below grade shall not be counted in calculating the number of levels or height. The top floor of the garage shall be no higher than the adjoining building to which it is attached. In those instances where a side of a garage is not attached to a building, a parapet shall be provided in order to shield from view any parked vehicles.
 - [(d)e] [Architectural enhancements and building elements and appurtenances such as parapets, chimneys, spires, cupolas, belfries, corner towers or flagpoles, designed for ornamental purposes, as well as functional elements such as elevator housing, roof-mounted HVAC equipment, and roof-access stairwells, are not subject to any specific height limitation but shall not exceed the height of the rooftop they project from by more than 15 feet. Section 200-229 F of Chapter 200 of the Township's Code relating to height exceptions shall not apply. Consistent with the definition from the International Building Code (Section 505.2), mezzanines shall not constitute a story or half story and shall be considered a portion of the story below.]

In accordance with New Jersey Building Code (N.J.A.C. 5:23-3.14), Building Height shall be defined as the vertical distance from grade plane to the average height of the highest roof surface. A grade plane shall be defined as a reference plane representing the average of finished ground level adjoining the building at

exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.

In this district, height limitation references to footage and number of stories are intended to limit building height to the specified maximum footage and number of stories within said footage. Building height calculations shall exclude building service equipment (e.g., mechanical services, elevator penthouses, condensers, exhaust fans, air-conditioning and similar equipment), stair enclosures, skylights or atrium structures, roof-access stairwells and amenities on a rooftop terrace (e.g., decking, landscaping, railing, walls, furniture, lighting, pergolas and similar amenities), and architectural enhancements and appurtenances (e.g., parapets, chimneys, cupolas, steeples, spires, belfries, towers, corner towers, flagpoles and similar elements).

[1] Section 200-299 F of Chapter 200 of the Township's Code relating to height exceptions shall not apply.

[2] Mezzanines and lofts that qualify as mezzanines under the International Building Code (Section 505.2) shall not constitute a story or half story and shall be considered part of the story below.

(8) Parking requirements. [1.4375 off-street parking spaces per apartment unit are to be provided within the District. RSIS standards shall apply for townhouses. Nonresidential uses may rely on shared parking and, if available, commuter parking spaces in off-hours and on weekends without the provision of dedicated parking except for employees at a ratio of 1.0 space per 1,000 square feet of nonresidential square footage (as described in Subsection C) excluding hotels. Parking serving hotel guests and employees shall be provided at the rate of 0.6 spaces per room. The required number of spaces for residential uses (excluding townhouses) and non-residential uses may be reduced if a shared parking analysis demonstrates to the Planning Board's satisfaction that a lower number of spaces will be sufficient.]

(a) 1.4375 off-street parking spaces per residential unit are to be provided within the district except for senior housing and townhouses.

(b) 2.0 off-street parking spaces per townhouse unit shall be provided.

- (c) Senior housing requires 0.7 off-street parking spaces per unit.
- (d) Non-residential uses may rely on shared parking and, if available, commuter parking spaces in-off hours and on weekends without the provision of dedicated parking except for employees at a ratio of 1.0 space per 1,000 square feet of non-residential square footage (as described in section C.) excluding hotels.
- (e) Parking serving hotel guests and employees shall be provided at the rate of 0.6 spaces per room, except that the required number of spaces may be reduced if a shared parking analysis demonstrates that a lower number of spaces will be sufficient.
- (f) The applicable parking requirement may be reduced where it can be demonstrated to the satisfaction of the Planning Board that such reductions are justified by reason of proximity to public transportation and/or documented arrangements for shared parking supported by analyses consistent with the Urban Land Institute's Shared Parking Analysis or other generally accepted standards applicable to shared parking.

(9) Other standards

- (a) No development shall proceed in the District without a redeveloper's agreement with the Township.
- (b) There shall be no FAR (floor area ratio) or MIC (maximum improvement coverage) requirements for individual lots, such requirements applying only district-wide regardless of subdivisions created to separate buildings, uses, ownership or financing within the overall RP-1 District. Setback and building distance standards are not applied in order to maximize flexibility of the design and to achieve the goals of the RP-1 District as a compact, walkable center with an active public space and street life.
- (c) Procedures for snow storage and removal shall be identified.

C. RP-1 District Design Standards

The RP-1 District is intended to promote redevelopment to achieve the goals of the District as a compact, walkable center with active street life and a promenade as the primary public space. The creation of a cohesive built environment where existing and proposed commercial and residential development are integrated is essential to this district. These design standards are intended to maximize flexibility of the design to achieve the goals of the district. All standards set forth

in the Township Land Use Code, other than District regulations, shall continue to apply except when inconsistent with the design standards set forth below.

- (1) Promenade public space (which is shown conceptually in Exhibit E of the Settlement and Redeveloper's Agreement).
 - (a) The promenade shall be designed to include passive areas and active public gathering space that can host a farmer's market and other public events.
 - (b) If applicable, the farmer's market shall include stall areas, an open-air pavilion structure, a plaza and utilities such as electric and water. It shall be located on the promenade at a place where the streets could be closed to vehicular traffic at appropriate locations.
 - (c) The promenade shall utilize shared space principles that combine movement and other civic functions of streets and public space. This includes aesthetic treatments considering decorative materials and/or patterns for all vehicular, pedestrian and shared paved surfaces. Pavements should be specifically designed to emphasize the creation of spaces and transition between spaces or zones and to provide visual clues to pedestrians, bicyclists and motorists to reinforce the use and function of the area as a low speed pedestrian-oriented public space through which motor vehicles travel and park. Bollards [shall be used in place of curbs to provide] or visual clues (including, but not limited to, pavement, colors/textures, pedestrian/bicycle symbols and/or signage, planters, landscaping, street trees, ground cover landscaping, street furniture, lampposts and other street lighting techniques, fixed benches and moveable seating, and outdoor café zones) shall be utilized for defining separation of pedestrian circulation from vehicular travel lanes and on-street parking. More refined pavements should be utilized to emphasize and enhance areas designed for larger volumes of pedestrian activity such as building entrances, plazas and terraces, nodes, drop-off and pick-up zones and crosswalks. A palette of compatible decorative pavements and/or pavement patterns should be developed for the entire promenade.
- (2) Circulation and parking.
 - (a) Streets shall include on-street parallel or angled parking in order to promote pedestrian street activity, lower vehicular speeds, and provide convenient access to retail uses and the promenade.

(b) Off-street parking and service access shall be designed to avoid the backing in and out of streets.

(c) Roadway identified on the concept plan as Road A shall be contained in a maximum right-of-way of 50 feet.

[(c)](d) Sidewalk widths shall measure [between] at least 10 feet [and 15 feet] in the core retail and promenade area in the RP-1 District and shall be a minimum of five feet wide in all other areas (except where vehicle parking overhang of a sidewalk area can occur wherein the width of the sidewalk area is to be a minimum of six feet). All sidewalks should be durably paved and smoothly surfaced to provide for the free movement of pedestrians. All sidewalks and pathways must be designed to provide access for the physically disabled. Access ramps shall be conveniently placed and sloped to provide easy connection to streets and sidewalks, in conformance with the applicable accessibility standards.

[(d)](e) The minimum width for off-road bike lanes is eight feet.

[(e)](f) Surface parking cannot be located between the building and the front property line. Where surface parking may be located along a street frontage, such must be screened from the street by a solid fence or wall at a minimum height of 48 inches.

[(f)](g) Structured parking may be contained within, under or attached to buildings. Parking structures or podium-type parking under buildings may not front toward the promenade public space. Where parking structures front on public streets, such may feature liner buildings which are shallow commercial or residential buildings on the facades of parking structures or ground floor space along the sidewalk designed as amenity, utility, retail, commercial or office space.

[(g)](h) All facilities that provide parking to the public for nonresidential uses shall provide parking for bicycles at a rate of one bicycle space per 10 automobile parking spaces for the first 100 parking stalls and one bicycle space for every 20 automobile parking spaces beyond that.] There shall be one bicycle parking space per 10 automobile parking spaces for the first 100 parking stalls allocated to nonresidential uses for the public, and one bicycle space for every 20 automobile parking spaces allocated to nonresidential uses for the public beyond that.

[(h)](i) A minimum of two spaces will be provided for parking for shared car services.

[(i)](j) Loading for nonresidential uses fronting on the promenade may be accommodated by collective provision for loading facilities that allow for sharing of such facilities among two or more uses and may be located in either on-street loading zones or off-street loading areas, which may be located within a building or a parking structure. A hotel shall provide an off-street loading area [with a minimum of one berth].

(3) Landscape architectural treatments and guidelines.

(a) All plants, trees, shrubs, pedestrian pavements and streetscape elements shall be installed in accordance with a landscape plan and schedule provided by the redeveloper, subject to the approval of the Planning Board.

(b) Landscape architectural treatments shall be provided throughout the redevelopment area to create spatial definition or separation, shade, visual interest, seasonal color, visual buffering, microclimatic enhancement, and habitat and to improve safety.

(c) Indigenous plant species shall be primarily specified within the District and invasive exotic species shall be avoided. Any landscaping that is not resistant to the environment, or that dies, shall be replaced by the redeveloper in accordance with the maintenance guarantee provisions of the municipal land use law.

(d) In landscaped spaces, passive systems such as cisterns and water gardens that collect rainwater for irrigation or recharge are encouraged.

(e) Soil moisture-sensing irrigation systems shall be used.

(4) Building orientation, massing and facade composition.

(a) New buildings within the District should be considered an integral part of the overall site design and developed with appropriate consideration for both proposed and existing buildings with respect

to height, mass, siting, location, materials, orientation, signs, lighting and use.

- (b) Buildings shall front on the promenade and public streets to provide form and function to the streetscape. The streetscape should be continuous and varied through the use of street furniture, landscaping, building articulation, building frontage setbacks and changes in sidewalk types and textures. Driveway intersections with the public street should be minimized to avoid excessive interruptions in the streetwall.
- (c) Buildings shall be designed to present an articulated facade from all vantage points. Parking structures shall not front on the promenade. Parking structures or that portion of a building containing a parking structure that is not fronting on the promenade may have an exterior clad in a vine-covered trellis, graphic panels, solar panels, a window-like facade treatment, liner buildings or ground floor space along the sidewalk designed as retail, commercial, residential or office space.
- (d) The architectural treatment of the front facade shall be continued in its major features around all visibly exposed sides of a building with the exception of parking structures or that portion of a building containing a parking structure. All sides of a building shall be architecturally designed to be consistent with regard to style, materials, colors and details. Blank wall or service area treatment of side and/or rear elevations visible from public view shall be avoided.
- (e) Unless the redeveloper proposes a specific use that requires a unique building, such as a hotel, buildings should be designed utilizing base, middle and top forms as the primary method relating buildings to each other.
- (f) The base shall be considered the first story of the facade facing a public street, depending on the overall heights of the building. The design of the base, as well as the quality and durability of its materials, should be emphasized to create visual interest and support pedestrian activity. The building's base should be presented to the Planning Board at a larger scale of drawing and greater detail than the remainder of the facade to ensure it meets the building design objectives.

- (g) In addition to the base, the exterior design of mixed-use residential buildings shall include a middle field section and a cap on the top. The middle of the building shall be differentiated from the base by a horizontal transition line. A horizontal transition line should also be established separating the middle field from the cap or top of the buildings.
- (h) The base transition line should generally be defined at the water table, sill of the ground floor windows or top of the ground floor. The upper transition line articulating the cap should generally be defined by a cornice, projecting overhang or other appropriate means that defines the cap of the building.
- (i) Building exteriors shall have vertical and/or horizontal offsets to create visual breaks on the exterior. Long, monotonous, uninterrupted walls or roof planes shall be avoided. Building wall offsets, including projections such as balconies, canopies, awnings, and signs, recesses, and changes in floor level shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, roofline offsets, dormers, or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
- (j) For townhouses or stacked townhouses, buildings may contain a maximum of 12 townhouse dwellings or stacked townhouse modules (24 stacked [townhomes] townhouses) in a single row and shall not require any facade, height or roofline offsets. The base of townhouses or stacked townhouses should generally be defined at the water table, sill of the ground floor windows or top of the ground floor and the cap should generally be defined by a cornice or overhanging eave line. Townhouses or stacked townhouses shall have a front entry that faces a street, courtyard, mews or other open space, with garages accessed from the rear (via a driveway and/or alley), and are not required to have private outdoor space at the ground level.
- (k) In general, it is preferred to keep the street facade parallel to the property line in alignment with adjacent buildings.
- (l) Blank walls must contain architectural relief such as expressive details, blind windows, murals, etc.

- (m) All buildings shall provide scale-defining architectural elements or details at the first two floor levels minimum, such as windows, spandrels, awnings, porticos, pediments, cornices, pilasters, columns and balconies.
- (n) Windows for residential buildings shall be primarily vertically proportioned. Tinted and highly reflective glass are discouraged.
- (o) Ground-floor retail, services, and restaurant uses shall have large transparent windows. Such windows shall be framed by the surrounding wall and shall be a minimum of 75% of the total ground-level facade area adjoining the sidewalk. The window wall facade area may be reduced if, due to a particular use or settings, the provision of windows will present concerns for aesthetic design or security. However, the facade design should employ an arrangement of materials that reflects the required window area and/or lines to be compatible with the intent of these guidelines.
- (p) The predominant material of all street walls on primary and secondary streets shall be brick, precast, cement-board siding, wood, metal storefront, tile, stone, stone veneer, resin panels, composites, metal panels and finished masonry block, or curtain wall. Stucco may be used as an accent. All materials, colors and elevations shall be approved by the Planning Board.
- (q) Shop fronts may have a kick plate that ranges in height from [18] 8 inches to 42 inches running continuously beneath the required fenestration.
- (r) Public access to commercial and governmental buildings shall be provided at sidewalk grade. The primary floor of and access to residential structures may be elevated.
- (s) The front doors of all buildings shall be visible from the street unless fronting on a courtyard, mews or other open space. If located more than 10 feet from the front building line, their location must be reinforced with additional graphics, signage, lighting, marquees or canopies.
- (t) All entrances to a building, except service and emergency egress doors, shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches,

overhangs, railings, balustrades, canopies, awnings, and other elements, where appropriate. Any such element utilized, including doors, shall be architecturally compatible with the style, materials, colors and details of the building as a whole. The main entrance shall face the street on which the property fronts.

- (u) Awnings, which add visual richness to the commercial corridor while enhancing the quality of public walkways, are encouraged for all storefronts. Awnings shall have fixed or retractable metal framework.
- (v) Canopies, unlike awnings, are nonretractable. They shall be constructed of wood or metal framing, standing-seam metal roof or glass roof as solid canopies or semi-open trellises. Canopies may incorporate signage and down lighting. Security shall be implemented so that it cannot be seen, and security grille housing is specifically prohibited. For flat solid panel clad canopies, a membrane could be used if concealed from pedestrian view.
- (w) All awnings and canopies shall be securely attached to the building so that the lowest part of the awning or canopy is mounted a minimum of eight feet above the sidewalk at the storefront. Awnings and canopies may project over a sidewalk and/or in the public right-of-way.
- (x) Buildings directly fronting the promenade shall be designed to appear as landmark buildings. One possible treatment to achieve this goal would have buildings designed with additional height or architectural embellishments, such as corner towers, to emphasize their location.
- (y) Appropriate design of the corner of mixed-use buildings directly fronting the promenade shall include one of the following patterns:
 - [1] Opening the space at ground level for people to walk across the corner, with the building mass above redefining the corner.
 - [2] A recessed entry at the corner such as the familiar angled wall with an entry door.
 - [3] A corner window with an important view into the building.

[4] Balconies or bay windows that wrap the corner.

[5] A tower element.

(z) Multistory buildings with flat roofs shall provide light color roof surfaces. Green roof plantings and solar photovoltaic systems on roofs and parking decks shall be permitted.

(aa) Excepting the antenna itself, all parts and components of personal communications antennas, satellite dishes, and television and radio antennas shall be screened from view regardless of elevation, or shall be disguised within an enclosed structure. The screening shall be designed as part of the overall design theme of the building to which it is associated.

(bb) Dish antennas may not exceed 12 feet in diameter.

(cc) Mechanical equipment located on building roofs shall be screened so as not to be visible from the ground level from adjacent developments and from public streets and spaces. Mechanical equipment at ground level shall be screened and in the rear.

(5) Lighting.

(a) Lighting levels along paved portions of public walks shall be an average of no less than one footcandle for commercial areas and 0.5 footcandle for residential areas.

(b) Fixtures serving to light streets shall be at a height of no greater than 20 feet above the adjacent roadway surface. The light center of a fixture for a pedestrian walkway shall be mounted at a height of 12 feet to 14 feet above the adjacent surface of the walkway, except for bollard fixtures, footlight fixtures and other low-mounted fixtures. The fixtures may include attachments to accommodate such amenities as banners, seasonal lighting, and flower pots.

(c) The design for a proposed facade must consider the appearance of the building in the evening and develop an exterior lighting plan that includes display window lighting, building lighting, and pedestrian-scaled lighting for both buildings and pedestrian areas

within the site. Lighting shall be warm in color, with control of glare for the pedestrian.

(6) Streetscape.

- (a) A palette of compatible site furnishings should be developed for the entire District. Street furnishings may include elements such as benches, gazebos, trash and recycling receptacles, bicycle racks, bird houses, drinking fountains, kiosks, sculptural elements, decorative fountains, bollards, decorative fences, seat walls, and pedestrian-scale lighting.
- (b) Community bulletin boards, such as kiosks, may be provided at strategic locations, including on the promenade.
- (c) Freestanding newspaper and advertising dispensers shall not be permitted in the right-of-way of primary streets and shall be incorporated into approved buildings or pavilions.
- (d) Outdoor cafes may extend onto the public right-of-way upon issuance of a license by the Township. Such encroachment shall convey no rights to the licensee beyond those enumerated in the license. Outdoor cafes [shall] may be delineated from the public way by planters and/or barriers such as metal fencing [with no more than two entrances to the cafe seating area]. A clear width of at least four feet shall be maintained [between any outward portion of the cafe and the closest street furniture and equipment] for pedestrians to pass either outboard or inboard.

(7) Signage. In lieu of § 200-258D, the following shall apply:

- (a) The temporary display of signs, banners, flags, pennants and similar devices in connection with special events or activities of a public or nonprofit nature shall be permitted, provided [such display shall not exceed 14 days and shall not occur more than 12 times per calendar year] that temporary signs which are displayed between one (1) and eighty-nine (89) days shall not occur more than twelve (12) times per calendar year and temporary signs that are displayed between ninety (90) and one hundred and twenty (120) days shall not occur more than six (6) times per calendar year. The materials for temporary signage shall consist of vinyl, mesh, fabric, or other durable material. Such temporary signs shall be permitted in the RP-1, RP-4, and RP-6 Districts.

- (b) The temporary display of signs, banners, flags, pennants and similar devices, in connection with the opening of a new business use or reopening of an existing business use shall be permitted provided such display shall not exceed three months for nonresidential uses and 15 months for hotel and residential uses.
- (c) Existing nonconforming signs shall be removed from this District within a period of 12 months after building permit issuance.
- (d) All signs within the project area shall be part of the overall total design scheme and in keeping with the architectural character of the District in which the sign is located.
- (e) Each type of signage shall be permitted on the same site, provided that the standards set forth below are satisfied.

[1] Wall signage.

- [a] The following types of wall signs shall be permitted:

- [i] Internally lit raised letters.
- [ii] Backlit raised letters.
- [iii] Signage board with gooseneck lighting.
- [iv] Individual cut letters with gooseneck lighting.

- [b] The maximum sign area shall be [80% of the linear tenant frontage, with a maximum of 50 square feet] no greater than five percent (5%) of the total tenant wall area.

[2] Hanging signs and blade signs.

- [a] [One hanging sign shall be permitted per business with the exception of residential and hotel buildings which can have one per building entry and one for each exterior building corner.] One (1) hanging sign or blade sign is allowed per twenty-five (25) linear feet of frontage with a maximum of two (2) signs per frontage.

- [b] The maximum sign area shall be 10 square feet per side [with the exception of blade signs for residential and hotel buildings which maximum sign area shall be 50 square feet].

- [c] The letter and logo height shall be a maximum of [12 inches with the exception of blade signs and banners which maximum height shall be 18 inches] eighteen (18) inches.
- [d] Hanging signs may project a maximum of five (5) feet over a sidewalk and/or in the public right-of-way. A blade sign may only project beyond five (5) feet if attached to the underside of a tenant's canopy but may not exceed the canopy projection or an overall projection of eight (8) feet, whichever is less.
- [e] Hanging signs and blade signs must have a clearance height of eight (8) feet above the sidewalk and shall not be mounted above a tenant façade.
- [f] Hanging signs and blade signs may be externally lit.

[3] Banner signs

- [a] One (1) banner sign shall be permitted per fifty (50) linear feet of frontage with a maximum of two (2) banners per frontage with the exception of residential and hotel entries which can have one (1) per entry and one (1) for each exterior building corner.
- [b] The maximum sign area shall be 100 square feet per side.
- [c] Banner signs shall have a maximum projection of eight feet.
- [d] Banner signs must have a clearance height of ten feet above the sidewalk.
- [e] Banner signs may be mounted to the base building above the ground floor but shall not exceed an overall height of fifty feet above the finished sidewalk.

[f] Letters are limited to twenty-four inches in height.

[g] Banner signs may be externally or internally lit.

[h] Banner signs may project over a sidewalk and/or in the public right-of-way.

[[3]4] Street address signage.

[a] Street address signage shall be provided on each building or for each individual tenant.

[b] Street address numbers shall have a maximum height of eight inches.

[[4]5] Kiosk signage.

[a] Freestanding signs such as Parisian-style kiosks and interactive digital kiosks shall be permitted in order to identify the promenade and individual uses located in the District to passersby on major roads at the edges of the District as well as within or leading to the promenade and to advertise local events.

[b] The maximum kiosk sign area shall be 30 square feet, as measured on each face.

[c] The maximum kiosk sign height shall be 16 feet above finished grade.

[d] Kiosks [signs] may be located in a paved sidewalk area including within the public right-of-way of streets and sidewalks.

[e] The base of the kiosk sign shall be landscaped with plants that extend a minimum of two feet in all directions unless such kiosk is located within a paved sidewalk area.

[[5]6] Awnings and canopies.

- [a] Awnings and canopies shall be architecturally compatible with the building or retail tenant.
- [b] Awnings and canopies shall be kept in good order.
- [c] One sign on an awning or canopy shall be permitted, provided that:
 - [i] The letter logo height does not exceed 50% of the main area of the awning or canopy.
 - [ii] The letter and logo area may be located on the valance of the awning or face of the canopy and shall not exceed 12 inches in height.
 - [iii] The letter and logo area may be located above the canopy and shall not exceed 12 inches in height.

[[6]Z] Window lettering and signs. Window lettering and signs shall be permitted, provided that they:

- [a] Are inside the window.
- [b] Do not exceed 15% of the window area if solid and 25% of the window area if die-cut.
- [c] Pertain only to the establishment occupying the premises where the window is located except when premises are unleased/empty.

(f) Temporary construction and sales signage.

- [a] Signage shall be removed within the later of (a) three years of the issuance of a sign permit or (b) one year of the time of the final certificate of occupancy[, whichever comes first]. One sign per each road frontage shall be permitted. However, construction signs which contain noncommercial messages, such as signs identifying individual lots, [or] construction ingress and/or egress[,], or safety protocols, shall be permitted.

[b] Temporary contractor signage. Only one sign shall be permitted identifying lenders, architects, engineers or contractors doing work on the site. Such sign shall be a maximum of four square feet per entity, but not to exceed 25 square feet. This sign shall be removed when work ceases or is abandoned or when a final certificate of occupancy for the project is issued, whichever occurs sooner.

(g) Billboards are prohibited.

(h) A signage package shall be submitted as a part of any application for final site plan approval.

Section 3. This ordinance shall take effect twenty days after action or inaction by the Mayor as approved by law, or an override of a mayoral vote by the Council, whichever is applicable; upon filing with the Mercer County Planning Board; and upon publication according to law.

Introduction:

Public Hearing:

Adoption:

Mayor Approval:

Effective Date:

Ordinance Amending the Township Code RP-1 12-6-19

ORDINANCE 2020-06

**AN ORDINANCE TO AMEND AND SUPPLEMENT
THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999)**

**AN ORDINANCE CREATING A NEW PART 7 ENTITLED “ROUTE 1 PENNS NECK
BUSINESS COMMERCIAL REDEVELOPMENT AREA” AND AMENDING THE
CODE OF WEST WINDSOR (1999) TO CREATE A ROUTE 1 PENNS NECK
BUSINESS COMMERCIAL REDEVELOPMENT ZONE**

BE IT ORDAINED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, as follows:

Section 1. Chapter 200 of the Code of the Township of West Windsor, Land Use, Part 4, Zoning, Article XXVI, Titles, Purposes, Establishment of Districts; General Conditions, Section 200-142, Establishment of Zoning Districts, is hereby amended by adding after the line “RP-12 – “Residence/Affordable Housing” the following:

RP-Penns Neck Redevelopment Plan – Route 1 Penns Neck Business Commercial

Section 2. Chapter 200 of said Code, Land Use, Part 4, Zoning, Article XXVI, Titles, Purposes, Establishment of Districts; General Conditions, Section 200-143, Zoning Map, is amended to read as follows:

The boundaries of said zoning district is hereby established as shown on the Zoning Map, Township of West Windsor, dated May 23, 2009, and revised through _____, 2020, which, with all explanatory matter thereon, is hereby adopted and made part of this Part IV. An official copy of said Map, indicating the latest amendments shall be kept up-to-date in the office of the Land Use Manager for the use and benefit of the public and shall have the most current revision date shown thereon. The Zoning Map for that shall be the official reference as to the current zoning classification of the land within the boundaries of the Township of West Windsor.

Section 3. Chapter 200 of said Code, Land Use, Part 7, Route 1 Penns Neck Business Commercial Redevelopment Area, Article XL, Regulations, is hereby created as follows:

Article XL Regulations

§ 200-289 Route 1 Penns Neck Business Commercial Redevelopment Zone

- A. Goal. The goal of the Route 1 Penns Neck Business Commercial Redevelopment Zone is to facilitate the development of a small-scale neighborhood commercial center which shall serve the daily needs of both the local residents of the Penns Neck community as well as those traveling along the US Route 1 corridor. It is also this Plan’s intent that the Redevelopment Area serve as an attractive gateway for those entering the Township from both US Route 1 and Washington Road.

B. Permitted Uses. The following uses shall be permitted as principal uses within the Route 1 Penns Neck Business Commercial Redevelopment Zone:

- (1) Convenience stores in conjunction with a gasoline service station.
- (2) Banks and financial institutions, with or without drive-throughs.
- (3) Pharmacies, with or without drive-throughs.
- (4) Retail sales and services.
- (5) Urgent care services, including emergency outpatient services.
- (6) Personal services.
- (7) Medical and professional offices.
- (8) Restaurants with drive-through windows, provided that restaurants are in excess of five thousand (5,000) square feet; or in the alternative if the restaurant is less than five thousand (5,000) square feet, provided that there shall be no on-site kitchen.
- (9) Senior day care, which is defined as a non-residential facility providing care for the elderly and/or functionally impaired adults in a protective environment. Operators shall be licensed as required by the State of New Jersey as applicable to operate and offer services such as providing meals, social services, recreational outings and trips, physical therapy, general supervision, and support. Senior day care centers may not provide services to participants for longer than twelve (12) hours in a day.

C. Permitted Accessory Uses. The following shall be permitted as accessory uses in the Route 1 Penns Neck Business Commercial Redevelopment Zone:

- (1) Off-street parking and loading.
- (2) Signs.
- (3) Street furnishings, planters, street lights, and exterior garden type shade structures (gazebos).
- (4) Fences and walls, which shall complement the architectural style, type, and design of the building and the overall project design.

- (5) A static community landmark feature which shall serve as a gateway to the Township.
 - (6) High speed vehicular charging stations.
 - (7) Accessory uses customarily incidental to permitted principal uses.
- D. Prohibited Uses. Any use or structure other than those uses or structures permitted herein shall be prohibited.
- E. Intensity, Bulk, and Other Regulations. The following shall be the standards of the Route 1 Penns Neck Business Commercial Redevelopment Area:
- (1) Minimum Tract Area: The entirety of the district, which shall be planned and developed in a comprehensive manner as a single integrated entity with one development application showing the proposed development for the entire district.
 - (2) Minimum Setbacks for Principal Buildings.
 - (a) Setback from US Route 1: 40 feet, with a minimum 15-foot landscape buffer, as measured after any road dedication by either fee simple easement or conveyance.
 - (b) Setback from Washington Road: 40 feet, with a minimum 25-foot landscape buffer, as measured after any road dedication by either fee simple easement or conveyance.
 - (c) Side and Rear Yard: 50 feet, as measured from the district boundary line.
 - (3) Yards Abutting Residential Properties: Yards abutting residential properties shall have a minimum setback of 100-feet with a minimum 40-foot wide landscape buffer, as measured from the district boundary line. The buffer shall have a berm of no less than eight (8) feet in height.
 - (4) Maximum FAR. The maximum permitted FAR shall be 0.13.
 - (5) Maximum Improvement Coverage: 60%.
 - (6) Maximum Building Height: 2.5 stories or 35 feet.
 - (7) Setbacks for Buildings with Drive-Throughs.

- (a) Minimum distance between any drive-through building and any residence district: 100 feet.
 - (b) Minimum distance between any drive-through access driveway and any residence district: 50 feet.
- (8) Number of Fueling Stations: Gasoline service stations shall not have more than sixteen (16) fueling stations, exclusive of any high speed vehicular charging stations.

F. Building and Design Layout

- (1) The material and design of façades of buildings and structures shall relate to one another to the greatest extent possible in order to promote a visually cohesive environment. Buildings should reflect a continuity of treatment throughout the district, obtained by: maintaining base courses; maintaining cornice lines in buildings of the same height; extending horizontal lines of fenestration (windows); and reflecting architectural style and details, design themes, building materials and colors used in surrounding buildings to the greatest extent possible. Fenestration shall be provided on each building façade to the extent practical.
- (2) Pitched roofs (6/12 to 12/12) and mansard roofs are encouraged for buildings. Exposed flat roofs shall be allowed if the architectural detail, style, proportion and massing is complementary of adjacent structures; and further provided that buildings may have flat roofs only if all rooftop mechanical equipment are screened from public view.
- (3) The roof of the gas station canopy shall be sloped. The columns of the canopy shall be designed with decorative materials which shall match those materials used for the buildings on site. Solar panels are encouraged on the roof of the canopy.
- (4) Decorative pavers to distinguish pedestrian areas and routes as well as traffic control areas shall be required.

G. Permitted Signage. In lieu of §200-32, the following shall apply:

- (1) Signage shall be designed in a manner complementary to the building's architecture and in keeping with a visually cohesive environment.
- (2) Wall signage.

- (a) One wall sign shall be permitted per business for each front business façade and each rear or side business façade.
 - (b) The following types of wall signs shall be permitted:
 - [1] Internally lit raised letters with concealed ballast.
 - [2] Back-lit raised letters with concealed ballast.
 - [3] Signage board with gooseneck lighting.
 - [4] Individual cut letters with gooseneck lighting.
 - (c) The maximum sign area shall be the square footage calculated by taking 90% of the linear business frontage, with a maximum of 75 square feet.
 - (d) Letters may project a maximum of eight inches.
 - (e) Wall signs shall not be permitted above the roofline.
- (3) Street address signage.
- (a) Street address signage shall be provided on each building for each individual tenant.
 - (b) Street address numbers shall have a maximum height of eight inches.
- (4) Ground-mounted project/tenant identification signage.
- (a) One (1) ground-mounted project/tenant identification sign shall be permitted along the US Route 1 frontage.
 - [1] The maximum sign area shall be seventy-two (72) square feet.
 - [2] The maximum sign height, including structure and sign area, shall be twenty (20) feet above existing grade.
 - [3] The base of the sign shall be constructed of materials that are consistent with the building architecture and shall be landscaped with plantings.

- [4] If lighted, the sign shall be lit by direct, external light sources, internally illuminated letters/logos, or back-lit raised letters/logos.
 - [5] Mounting hardware shall be hidden from view.
- (b) One (1) ground-mounted project identification sign shall be permitted along the Washington Road frontage.
- [1] The maximum sign area shall be sixty-four (64) square feet.
 - [2] The maximum sign height, including structure and sign area, shall be eight (8) feet above existing grade.
 - [3] The base of the sign shall be constructed of materials that are consistent with the building architecture and shall be landscaped with plantings.
 - [4] If lighted, the sign shall be lit by direct, external light sources, internally illuminated letters/logos, or back-lit raised letters/logos. Gasoline prices may be permitted to be displayed with LED lighting.
 - [5] Mounting hardware shall be hidden from view.
- (5) Ground-mounted gas station service signage.
- (a) In addition to the above identified signage, one (1) ground-mounted gas station service sign along the US Route 1 frontage shall be permitted for gas service station use only.
 - (b) The maximum sign area shall be one hundred and thirty (130) square feet for a ground-mounted gas station service sign, inclusive of gas pricing panels.
 - (c) The maximum sign height, including the structure and sign area, shall be twenty-five (25) feet above existing grade.
 - (d) The base of the sign shall be constructed of materials that are consistent with the building architecture and shall be landscaped with plantings.
 - (e) If lighted, the sign shall be lit by direct, external light sources, internally illuminated letters/logos, or back-lit raised letters/logos.

Gasoline prices may be permitted to be displayed with LED lighting.

(f) Mounting hardware shall be hidden from view.

(6) Awnings.

(a) One (1) sign with lettering per business shall be permitted on an awning.

(b) Logos shall be permitted on all awnings, provided that:

[1] The letter and logo height do not exceed 50% of the diagonal portion of the awning.

[2] The letter and logo area do not exceed 15% of the area of the diagonal portion of the awning.

[3] The letter and logo height on a vertical flap do not exceed eight inches.

(c) Awnings shall be aesthetically compatible with the building and consistent with each other.

(d) Awnings shall be kept in good order and repair.

(7) Gas station canopy signage.

(a) A maximum of two (2) canopy signs shall be permitted.

(b) Canopy signs shall only be permitted on canopy façades facing a public street.

(c) The width and height of the canopy sign shall not exceed the width and height of the canopy façade to which it is attached.

(8) Window lettering and signs. Window lettering and signs shall be permitted, provided that they:

(a) Are inside the window.

(b) Do not exceed 15% of the window area.

- (c) Pertain only to the establishment occupying the premises where the window is located.
 - (d) Shall have a professional appearance.
- (9) Instructional Signage.
 - (a) Instructional wall and ground signs are permitted.
 - (b) The maximum number shall be determined by safety considerations.
 - (c) The maximum instructional sign area shall be two square feet.
- (10) Flag poles
 - (a) Freestanding flag poles shall be permitted for the district, excluding commercial messages.
 - (b) The flagpole shall be no taller than twenty-five (25) feet measured from existing grade.
 - (c) The maximum flag area shall be fifteen (15) square feet.
 - (d) Flag signs shall be kept in good order and repair. All flags shall be maintained and/or flown in accordance with applicable federal law, regulation, and/or protocol.
- (11) Static Community Landmark Feature
 - (a) One (1) static community landmark feature shall be permitted along the US Route 1 frontage, the purpose of which shall be to serve as a gateway feature for the Township. No on-site or off-premises advertising shall be permitted on this feature.
 - (b) The site plan shall delineate an area of no greater than twelve (12) feet by twelve (12) feet wherein a static community landmark feature shall be permitted to be placed.
 - (c) The static community landmark feature shall be setback from US Route 1 no further than any on-site ground-mounted project/tenant identification signs and/or ground-mounted project identification signs located within one hundred (100) feet along US Route 1 in the redevelopment area.

- (d) The static community landmark feature may have up to two (2) display faces.
 - (e) The height and size of the static community landmark feature shall be determined relative to the design of the sign and the structure as a whole, balancing: visibility; its scale relative to adjacent signs and buildings; the architectural design of the sign structure; and the relationship to other nearby elements along the road. The height shall not exceed fifteen (15) feet.
 - (f) The design of the static community landmark feature shall incorporate visual art or architectural elements and architectural structure with its visual messaging function, thereby creating a unique or distinctive architectural design. It shall incorporate one or more of the following architectural elements: natural or reproduced stone, wood, brick, ornamental iron or decorative steel. It shall also complement the overall building design and site layout of the redevelopment area, as well as the neighborhood, to the greatest extent feasible.
- H. Road Vacation Plan. Portions of Varsity Avenue and/or Mather Avenue public right-of-way that lie within the Redevelopment Area may be vacated by the Township, in its discretion. Any such right-of-way vacation shall preserve a remaining utility easement for all utilities located within the vacated right-of-way and easement for public access, the timing and parameters of which will be set forth in a Redevelopment Agreement by and between the Township and a designated redeveloper.
- I. Site Plan Application. Potential redevelopers will be required to enter into a Redevelopment Agreement with the Township for the purpose of setting forth such details as the Township and such redeveloper may agree regarding the development or redevelopment of the Redevelopment Area. No application for development or redevelopment of property subject to this Redevelopment Plan may be filed with the Planning Board until the applicant has been designated, by the Township, as the redeveloper and the applicant has entered into a Redevelopment Agreement with the Township. Alternatively, any application filed with the Planning Board regarding development or redevelopment of property subject to this Redevelopment Plan shall be subject to the conditions that the applicant be so designated and enter into such Redevelopment Agreement.

Section 4. This ordinance shall take effect twenty days after action or inaction by the Mayor as approved by law, or an override of a mayoral vote by the Council, whichever is applicable; upon filing with the Mercer County Planning Board; and upon publication according to law.

Introduction:

Public Hearing:

Adoption:

Mayor Approval:

Effective Date:

Ordinance Amending the Township Code RP-1 12-11-19

ORDINANCE 2020-05

**AN ORDINANCE TO AMEND AND SUPPLEMENT
THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999)**

**AN ORDINANCE ADOPTING THE PENNS NECK BUSINESS COMMERCIAL
REDEVELOPMENT PLAN**

BE IT ORDAINED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, as follows:

Section 1. The Route 1 Penns Neck Business Commercial Redevelopment Plan attached hereto is hereby adopted. A copy of the Redevelopment Plan is on file in the Clerk's office.

Section 2. This ordinance shall take effect twenty days after action or inaction by the Mayor as approved by law or an override of a mayoral veto by the Council, whichever is applicable; upon filing with the Mercer County Planning Board; and upon publication according to law.

Introduction:

Public Hearing:

Adoption:

Mayor's Approval:

Effective Date:

2019

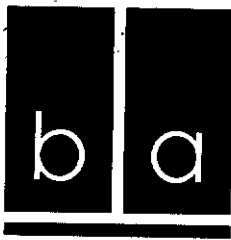
Route 1 Penns Neck Business Commercial
**Redevelopment
Plan**

Draft Version 2.0 (12/11/19)

Township of West Windsor | Mercer County, New Jersey







COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

BURGIS
ASSOCIATES, INC.

Principals:
Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, LLA, ASLA
David Novak PP, AICP

Route 1 Penns Neck Business Commercial Redevelopment Plan

Township of West Windsor
Mercer County, New Jersey

Prepared for the Township of West Windsor
Planning Board

BA# 3576.25

The original document was appropriately signed and sealed on _____ in accordance with Chapter 41
of Title 13 of the State Board of Professional Planners

Joseph H. Burgis PP, AICP
Professional Planner #2450

David Novak, AICP, PP
Professional Planner #6269



Members of the Township of West Windsor Planning Board

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Michael Karp, Vice Chair
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Township Landscape Architect

Daniel Dobromilsky, PLA, PP, LTE

Township Planning Consultant

Joseph H. Burgis PP, AICP
David Novak PP, AICP
Burgis Associates, Inc.

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Introduction

On April 15, 2019, the West Windsor Township Council authorized the Township Planning Board to conduct a preliminary investigation to determine if the Penns Neck area along the US Route 1 Corridor between Mather Avenue and Washington Road (hereinafter referred to as the "Study Area") constituted an "area in need of redevelopment" under the New Jersey Local Redevelopment and Housing Law (LRHL). The Planning Board subsequently directed Burgis Associates, Inc. to prepare a planning analysis for the Board's review and subsequent recommendation to the Township Council.

As identified in the Township Council's authorizing resolution (see Appendix A), the Study Area consisted of ten separate (10) lots which are identified by the Official Tax Map of the Township of West Windsor as Block 38 Lots 1, 2, 3, 25, and 45, and Block 39 Lots 4, 5, 7, 16, and 27. The April 15, 2019 resolution also declared that the preliminary investigation of the Study Area was to be undertaken within the context of a "condemnation" redevelopment procedure. That is, if the Study Area or a portion thereof was determined to be an Area in Need of Redevelopment pursuant to the LRHL, it was to be designated a Condemnation Redevelopment Area. Such a designation would authorize the Township to use all those powers provided by the Legislature for use in a redevelopment area, including eminent domain.

Following a public hearing held on July 24, 2019, the Planning Board ultimately determined and recommended that the entirety of the Study Area constituted an Area in Need of Redevelopment. Subsequently and pursuant to that recommendation, the Township Council adopted Resolution 2019-R191 on September 3, 2019 designating the entirety of the Study Area as Condemnation Redevelopment Area. That same resolution directed the Planning Board to prepare a condemnation redevelopment plan for the aforementioned lots. The Planning Board subsequently directed Burgis Associates, Inc. to prepare such a plan.

Accordingly, the following Route 1 Penn's Neck Area Redevelopment Plan (hereinafter referred to as the "Redevelopment Plan" or the "Plan") is the culmination of the Planning Board's efforts. It has been prepared for the entirety of the Route 1 Penns Neck Business Commercial Redevelopment Area. The Plan set forth herein is designed to affirmatively address the statutory criteria set forth in the LRHL, identify the Plan's underlying goals and objectives, enumerate permitted uses as well as area and bulk regulations, and indicate its relationship to local, regional, and state land use planning objectives.

The remainder of this Redevelopment Plan is divided into the following sections:

❖ Section 1: LRHL Background

The first section discusses the background of the LRHL as well as the redevelopment process. It also identifies the required elements of a redevelopment plan.

❖ Section 2: Redevelopment Area

The next section provides a brief overview of the Redevelopment Area.

❖ Section 3: Redevelopment Plan Details

Section 3 outlines the goals, permitted uses, and area and bulk regulations of the Route 1 Penns Neck Business Commercial Redevelopment Area.

❖ Section 4: Consistency to Other Plans

Next, Section 4 discusses the relationship of this Redevelopment Plan to the Township's Master Plan, the Township of Plainsboro's Master Plan, the Mercer County Master Plan, the State Development and Redevelopment Plan, and the draft State Strategic Plan.

❖ Section 5: General Provisions

Section 5 contains the general provisions of the Redevelopment Plan.

❖ Section 6: Planning Conclusions and Recommendations

Finally, Section 6 offers a summary of compliance.

Section 1: LRHL Background

As noted in the New Jersey Department of Community Affairs' *Redevelopment Handbook (2nd Edition)*, redevelopment can most simply be described as the "process to rebuild or restore an area in a measurable state of decline, disinvestment, or abandonment."

In 1992, the New Jersey Legislature enacted a new statute which revised and consolidated the State's various redevelopment statutes. Known as the Local Redevelopment and Housing Law (LRHL), this new statute replaced a number of prior redevelopment statutes and replaced them with a single comprehensive statute governing local redevelopment activities throughout the State.

Ultimately, the LRHL was designed by the State Legislature to assist municipalities in the process of redevelopment and rehabilitation. As explained by the Legislature in the preamble to the LRHL:

"There exist, have existed and persist in various communities of this State conditions of deterioration in housing, commercial and industrial installations, public services and facilities and other physical components and supports of community life, and improper, or lack of proper development which result from forces which are amenable to correction and amelioration by concerted effort of responsible public bodies, and without this public effort are not likely to be corrected or ameliorated by private effort."

The LRHL provides the statutory authority for municipalities to engage in a number of redevelopment activities, including: designating an "area in need of redevelopment"; preparing and adopting redevelopment plans; and implementing redevelopment projects. Essentially, the LRHL is a planning and financial tool that allows an area to be overlain with specific zoning and other incentives to stimulate its redevelopment or rehabilitation.

More specifically, a redevelopment designation allows a municipality to:

1. Adopt a redevelopment plan that will identify the manner in which an area will be developed, including its use and intensity of use;
2. Issue bonds for the purpose of redevelopment;
3. Acquire property;
4. Lease or convey property without having to go through the public bidding process;
5. Collect revenue from a selected developer; and/or
6. Grant tax exemptions and abatements.

1.1: Redevelopment Process

As outlined by the LRHL, the first step of the redevelopment process is for the governing body to direct the planning board to undertake a preliminary investigation to determine whether or not an area is in need of redevelopment. As required by recent amendments to the LRHL, the governing body must also indicate whether it is seeking to designate the area as a "Non-Condemnation Redevelopment Area" or a "Condemnation Redevelopment Area." As previously noted, the Township Council previously initiated this process as a "Condemnation" Study Area pursuant to Resolution 2019-R090 which was adopted on April 15, 2019.

An area qualifies as being in need of redevelopment if it meets at least one (1) of the nine (9) statutory criteria listed under Section 5 of the LRHL. These criteria are the same regardless of whether a governing body seeks to designate a study area as a "Non-Condemnation Redevelopment Area" or a "Condemnation Redevelopment Area."

The statute also specifically establishes that a redevelopment area may include lands which of themselves are not detrimental to the public health, safety, or welfare, provided that the inclusion of those lands is necessary for the effective redevelopment of the area.

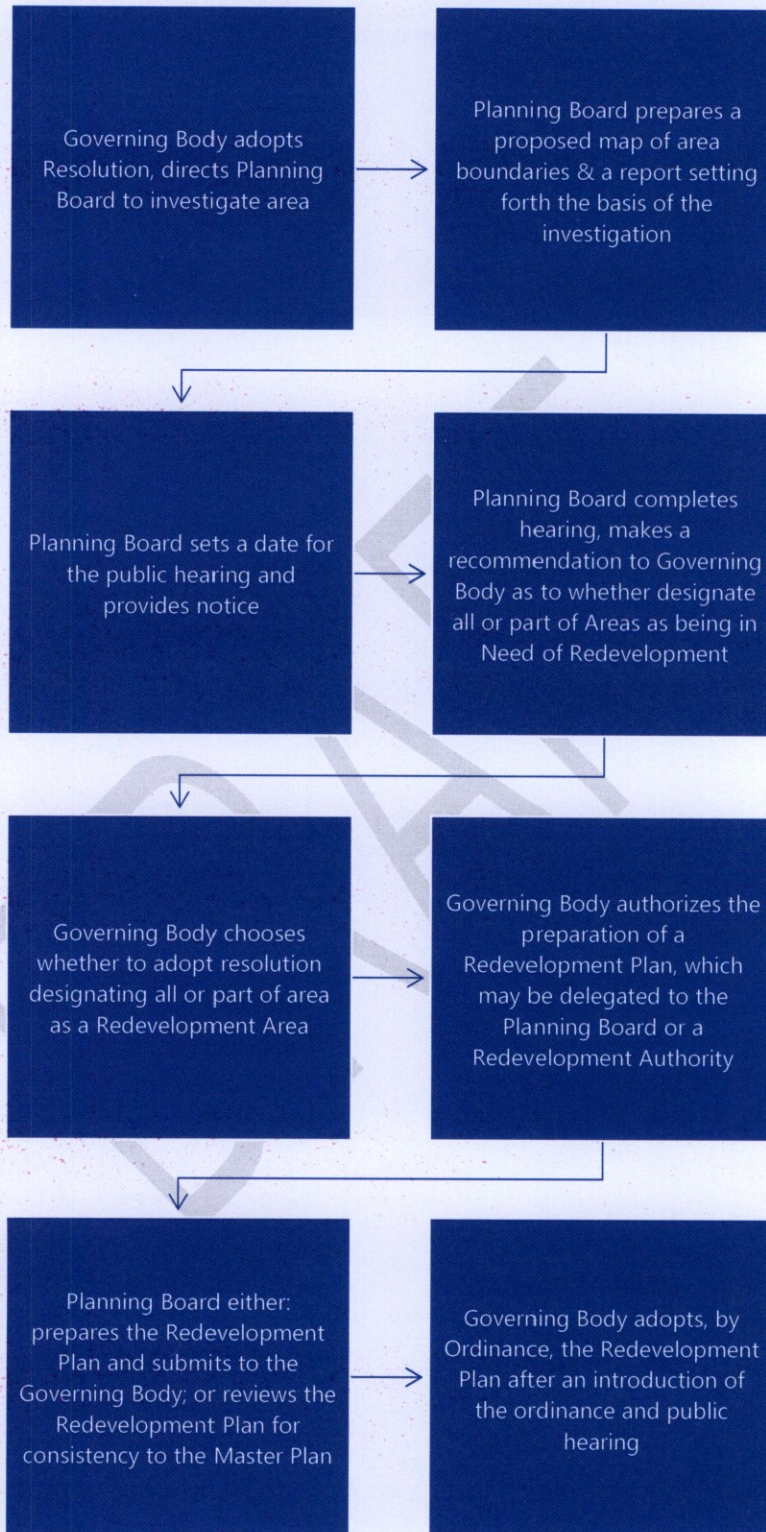
After it conducts its investigation, the planning board must hold a public hearing on the proposed redevelopment area designation. Accordingly, the Township's Planning Board held its public meeting on the redevelopment designation on July 24, 2019, in which it determined and ultimately recommended that the entirety of the Study Area constituted a Condemnation Area in Need of Redevelopment

Based upon the planning board's recommendation, the governing body may choose to designate all or a portion of the area as an "Area in Need of Redevelopment." The governing body will then prepare a redevelopment plan for the area, or alternatively will direct the planning board to prepare such a plan. The West Windsor Township Council followed the latter approach when it adopted Resolution 2019-R191 on September 3, 2019, which designated the entirety of the Study Area as a Condemnation Area and directed the Township Planning Board to prepare the Redevelopment Plan contained herein.

Following the adoption of the redevelopment plan, the governing body or another public agency/authority designated by the governing body as the "redevelopment entity" will oversee the implementation of the redevelopment plan. This redevelopment entity is responsible for selecting a redeveloper to undertake the redevelopment project which implements the plan.

In summary, the LRHL essentially establishes a two-fold process in which a site is designated as an Area of Need of Redevelopment (Step 1), and a plan is prepared based on that designation (Step 2). The accompanying figure provides a summary of this process.

Figure 1: Summary of Redevelopment Process



1.2: Requirements of a Redevelopment Plan

As established by NJSA 40:12A-7 of the LRHL, a redevelopment plan shall include an outline for the planning, development, redevelopment, or rehabilitation of a project area sufficient to indicate:

1. Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
2. Proposed land uses and building requirements in the project area.
3. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
4. An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.
5. Any significant relationship of the redevelopment to:
 - a. The master plans of contiguous municipalities;
 - b. The master plan of the county in which the municipality is located, and;
 - c. The State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L. 1985, c.398 (C.52:18A-196 et al.)
6. As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to Section 4 of P.L.1985, c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.
7. A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last eighteen (18) months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan.

Section 2: Redevelopment Area

The following section provides a general overview of the Route 1 Penns Neck Business Commercial Redevelopment Area.

2.1: Redevelopment Area Overview

The Route 1 Penns Neck Business Commercial Redevelopment Area is located in the northerly portion of the Township, near the intersection of US Route 1 and Washington Road. Inclusive of the right-of-way, the Redevelopment Area encompasses approximately 6.15 acres. It consists of ten (10) separate lots: Block 38 Lots 1, 2, 3, 25, and 45; and Block 39 Lots 4, 5, 7, 16, and 27.

The entirety of the Redevelopment Area has approximately 900 feet of frontage along the US Route 1 Corridor, as measured between the westerly extent of Mather Avenue and Washington Road. It is bisected by Varsity Avenue which intersects with US Route 1. Block 38 and Block 39 have approximately 387 feet and 438 feet of frontage along US Route 1, respectively.

The depth of the Redevelopment Area varies between 237 feet to 300 feet as measured from Route 1. The depth of Block 38 varies between approximately 270 feet and 288 feet, while the depth of Block 39 varies between approximately 237 feet to 300 feet

2.2: Existing Land Uses

The following table and accompanying figure provide an overview of the existing land uses within the Route 1 Penns Neck Business Commercial Redevelopment Area.

As shown, three (3) of the lots within the Redevelopment Area are presently developed with single-family dwellings. An additional property (Block 39 Lot 5) was previously developed with a single-family dwelling and a home office; however, this structure was significantly damaged by a fire and is no longer inhabitable. One (1) property, Block 39 Lot 7, is a two-family dwelling.

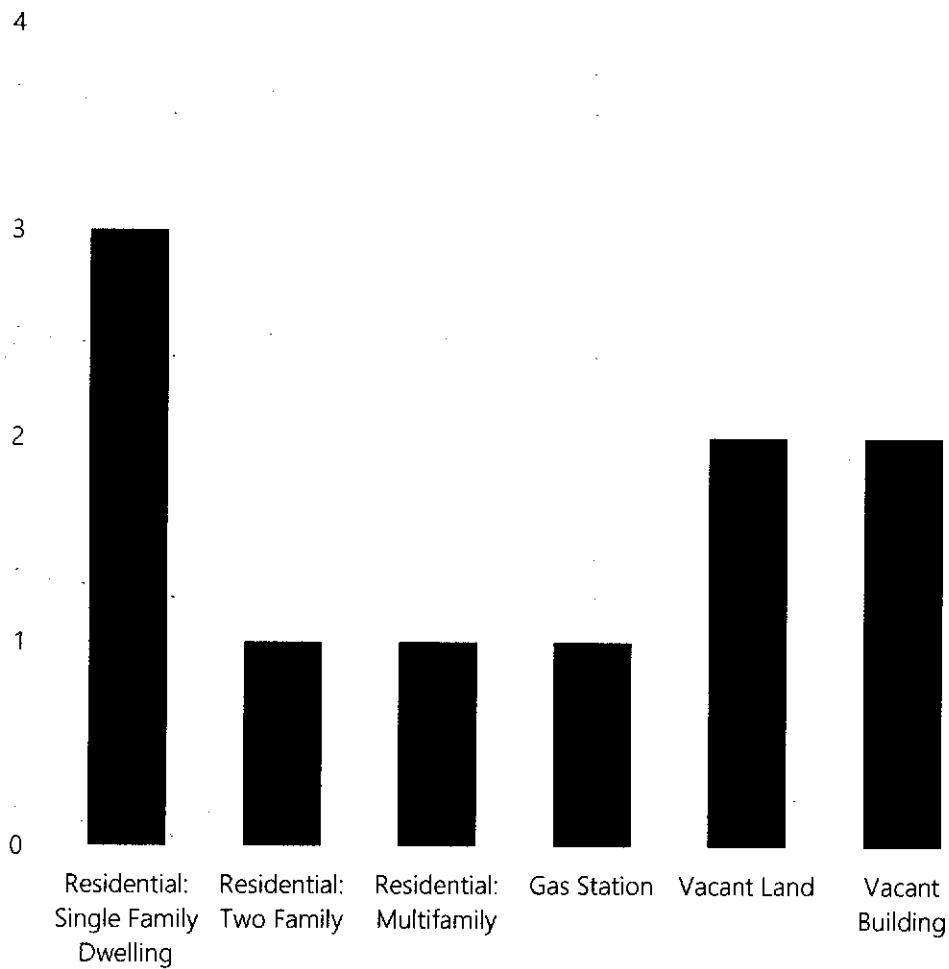
Two (2) properties within the Redevelopment Area are vacant and undeveloped: Block 38 Lot 1 and Block 38 Lot 3. The former lot was previously developed with an office building which was demolished in 2017. The latter has no records of any development ever existing on site. Furthermore, the buildings on two (2) properties within the Redevelopment Area are presently unoccupied. These include Block 38 Lot 2 and the aforementioned Block 39 Lot 5.

Finally, two (2) properties are developed with pre-existing nonconforming uses. One (1) property is developed with a multifamily apartment consisting of six (6) units, while one (1) property is developed with a gas station.

Table 1: Existing Land Uses

Block	Lot	Address	Area	Land Use
38	1	3700 Brunswick Pike	0.57	Vacant Land
	2	3702 Brunswick Pike	0.53	Vacant Building
	3	3704 Brunswick Pike	0.60	Vacant Land
	25	26 Varsity Ave	0.52	Residential: Single Family
	45	265 Mather Ave	0.48	Residential: Single Family
39	4	3706 Brunswick Pike	0.64	Residential: Multifamily
	5	262 Washington Road	0.36	Vacant Building
	7	258 Washington Road	0.56	Residential: Two Family
	16	265 Varsity Road	0.54	Residential: Single Family
	27	264 Washington Road	0.62	Gas Station
Total Area			5.41	

Figure 2: Existing Land Uses



2.3: Surrounding Properties

Surrounding land uses are varied and consist of:

1. A house of worship, farmland, a retail building, and an abandoned gas station to the northwest and north;
2. Single-family dwellings and the SRI office campus to the northeast;
3. Single-family dwellings to the east;
4. And single-family dwellings and the University Square (Black Rock Building) office development to the southwest.

Map 1: Birds Eye Aerial of Redevelopment Area



Source: Google Maps (Note: Boundary Line Approximate, N.T.S.)



Source 1: Orthophotography from NGSN Warehouse, 2015.
 Source 2: Parcel data from NGSN Warehouse, Mercer County.
 Source 3: Street data from NJDOT.

Map Title Overview of Redevelopment Area		Project No. 3576.25	Date 09.10.19	Drawn DN	Legend Parcels Redevelopment Area
BURGIS ASSOCIATES, INC. COMMUNITY PLANNING LAND DEVELOPMENT AND DESIGN LANDSCAPE ARCHITECTURE 25 Westwood Avenue Westwood, New Jersey 07675 p. 201.666.1811 f. 201.666.2199		Project Title Area in Need of Redevelopment Study TOWNSHIP OF WEST WINDSOR MERCER COUNTY, NEW JERSEY		Scale 1" = 100'	

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Section 3: Redevelopment Plan Details

The following section identifies the goals and regulations which are intended to serve as the basis of the Route 1 Penns Neck Business Commercial Redevelopment Area. Specifically, this Redevelopment Plan is designed to facilitate the development of a small-scale neighborhood commercial center which will serve the daily needs of both the local residents of the Penns Neck community as well as those traveling along the US Route 1 corridor. It is also this Plan's intent that the Redevelopment Area serve as an attractive gateway for those entering the Township from both US Route 1 and Washington Road.

3.1: Description of the Route 1 Penns Neck Business Commercial Redevelopment Area

The Route 1 Penns Neck Business Commercial Redevelopment Area shall constitute Block 38 Lots 1, 2, 3, 25, and 45; and Block 39 Lots 4, 5, 7, 16, and 27.

It shall also encompass the portion of the Varsity Avenue right-of-way located between Block 38 and Block 39, as well as the portion of the Mather Avenue right-of-way located between Block 38 and Block 6 Lot 1 to the west.

3.2: Goal

The goal of the Route 1 Penns Neck Business Commercial Redevelopment Area is to facilitate the development of a small-scale neighborhood commercial center which shall serve the daily needs of both the local residents of the Penns Neck community as well as those traveling along the US Route 1 corridor. It is also this Plan's intent that the Redevelopment Area serve as an attractive gateway for those entering the Township from both US Route 1 and Washington Road.

3.3: Permitted Principal Uses

The following uses shall be permitted as principal uses within the Route 1 Penns Neck Business Commercial Redevelopment Area:

1. A convenience store in conjunction with a gasoline service station.
2. Banks and financial institutions, with or without drive-throughs.
3. Pharmacies, with or without drive-throughs.
4. Retail sales and services.
5. Urgent care services, including emergency outpatient services.
6. Personal services.
7. Medical and professional offices.
8. Restaurants with drive-through windows, provided that restaurants are in excess of five thousand (5,000) square feet; or in the alternative if the restaurant is less than five thousand (5,000) square feet, provided that there shall be no on-site kitchen.

9. Senior day care, which is defined as a non-residential facility providing care for the elderly and/or functionally impaired adults in a protective environment. Operators shall be licensed as required by the State of New Jersey as applicable to operate and offer services such as providing meals, social services, recreational outings and trips, physical therapy, general supervision, and support. Senior day care centers may not provide services to participants for longer than twelve (12) hours in a day.

3.4: Permitted Accessory Uses

The following shall be permitted as accessory uses in the Route 1 Penns Neck Business Commercial Redevelopment Area:

1. Off-street parking and loading.
2. Signs.
3. Street furnishings, planters, street lights, and exterior garden type shade structures (gazebos).
4. Fences and walls, which shall complement the architectural style, type, and design of the building and the overall project design.
5. A static community landmark feature which shall serve as a gateway to the Township.
6. High speed vehicular charging stations.
7. Accessory uses customarily incidental to permitted principal uses.

3.5: Prohibited Uses

Any use or structure other than those uses or structures permitted in Sections 3.3 and 3.4 above shall be prohibited.

3.6: Intensity, Bulk, and Other Regulations

The following shall be the standards of the Route 1 Penns Neck Business Commercial Redevelopment Area:

1. **Minimum Tract Area:** The entirety of the district, which shall be planned and developed in a comprehensive manner as a single integrated entity with one development application showing the proposed development for the entire district.
2. **Minimum Setbacks for Principal Buildings.**
 - a. Setback from US Route 1: 40 feet, with a minimum 15-foot landscape buffer, as measured after any road dedication by either fee simple easement or conveyance.
 - b. Setback from Washington Road: 40 feet, with a minimum 25-foot landscape buffer, as measured after any road dedication by either fee simple easement or conveyance.
 - c. Side and Rear Yard: 50 feet, as measured from the district boundary line.

- d. Yards Abutting Residential Properties: Yards abutting residential properties shall have a minimum setback of 100-feet with a minimum 40-foot wide landscape buffer, as measured from the district boundary line. The buffer shall have a berm of no less than eight (8) feet in height.
3. Maximum FAR. The maximum permitted FAR shall be 0.13.
4. Maximum Improvement Coverage: 60%.
5. Maximum Building Height: 2.5 stories or 35 feet.
6. Setbacks for Buildings with Drive-Throughs.
 - a. Minimum distance between any drive-through building and any residence district: 100 feet.
 - b. Minimum distance between any drive-through access driveway and any residence district: 50 feet.
7. Number of Fueling Stations: Gasoline service stations shall not have more than sixteen (16) fueling stations, exclusive of any high speed vehicular charging stations.

3.7: Building and Design Layout

1. The material and design of façades of buildings and structures shall relate to one another to the greatest extent possible in order to promote a visually cohesive environment. Buildings should reflect a continuity of treatment throughout the district, obtained by: maintaining base courses; maintaining cornice lines in buildings of the same height; extending horizontal lines of fenestration (windows); and reflecting architectural style and details, design themes, building materials and colors used in surrounding buildings to the greatest extent possible. Fenestration shall be provided on each building façade to the extent practical.
2. Pitched roofs (6/12 to 12/12) and mansard roofs are encouraged for buildings. Exposed flat roofs shall be allowed if the architectural detail, style, proportion and massing is complementary of adjacent structures; and further provided that buildings may have flat roofs only if all rooftop mechanical equipment are screened from public view.
3. The roof of the gas station canopy shall be sloped. The columns of the canopy shall be designed with decorative materials which shall match those materials used for the buildings on site. Solar panels are encouraged on the roof of the canopy.
4. Decorative pavers to distinguish pedestrian areas and routes as well as traffic control areas shall be required.

3.8: Permitted Signage

In lieu of §200-32, the following shall apply:

1. Signage shall be designed in a manner complementary to the building's architecture and in keeping with a visually cohesive environment.
2. Wall signage.
 - a. One wall sign shall be permitted per business for each front business façade and each rear or side business façade.
 - b. The following types of wall signs shall be permitted:
 - i. Internally lit raised letters with concealed ballast.
 - ii. Back-lit raised letters with concealed ballast.
 - iii. Signage board with gooseneck lighting.
 - iv. Individual cut letters with gooseneck lighting.
 - c. The maximum sign area shall be the square footage calculated by taking 90% of the linear business frontage, with a maximum of 75 square feet.
 - d. Letters may project a maximum of eight inches.
 - e. Wall signs shall not be permitted above the roofline.
3. Street address signage.
 - a. Street address signage shall be provided on each building for each individual tenant.
 - b. Street address numbers shall have a maximum height of eight inches.
4. Ground-mounted project/tenant identification signage.
 - a. One (1) ground-mounted project/tenant identification sign shall be permitted along the US Route 1 frontage.
 - i. The maximum sign area shall be seventy-two (72) square feet.
 - ii. The maximum sign height, including structure and sign area, shall be twenty (20) feet above existing grade.
 - iii. The base of the sign shall be constructed of materials that are consistent with the building architecture and shall be landscaped with plantings.
 - iv. If lighted, the sign shall be lit by direct, external light sources, internally illuminated letters/logos, or back-lit raised letters/logos.
 - v. Mounting hardware shall be hidden from view.
 - b. One (1) ground-mounted project identification sign shall be permitted along the Washington Road frontage.
 - i. The maximum sign area shall be sixty-four (64) square feet.
 - ii. The maximum sign height, including structure and sign area, shall be eight (8) feet above existing grade.

- iii. The base of the sign shall be constructed of materials that are consistent with the building architecture and shall be landscaped with plantings.
 - iv. If lighted, the sign shall be lit by direct, external light sources, internally illuminated letters/logos, or back-lit raised letters/logos. Gasoline prices may be permitted to be displayed with LED lighting.
 - v. Mounting hardware shall be hidden from view.
- 5. Ground-mounted gas station service signage.
 - a. In addition to the above identified signage, one (1) ground-mounted gas station service sign along the US Route 1 frontage shall be permitted for gas service station use only.
 - b. The maximum sign area shall be one hundred and thirty (130) square feet for a ground-mounted gas station service sign, inclusive of gas pricing panels.
 - c. The maximum sign height, including the structure and sign area, shall be twenty-five (25) feet above existing grade.
 - d. The base of the sign shall be constructed of materials that are consistent with the building architecture and shall be landscaped with plantings.
 - e. If lighted, the sign shall be lit by direct, external light sources, internally illuminated letters/logos, or back-lit raised letters/logos. Gasoline prices may be permitted to be displayed with LED lighting.
 - f. Mounting hardware shall be hidden from view.
- 6. Awnings.
 - a. One (1) sign with lettering per business shall be permitted on an awning.
 - b. Logos shall be permitted on all awnings, provided that:
 - i. The letter and logo height do not exceed 50% of the diagonal portion of the awning.
 - ii. The letter and logo area do not exceed 15% of the area of the diagonal portion of the awning.
 - iii. The letter and logo height on a vertical flap do not exceed eight inches.
 - c. Awnings shall be aesthetically compatible with the building and consistent with each other.
 - d. Awnings shall be kept in good order and repair.
- 7. Gas station canopy signage.
 - a. A maximum of two (2) canopy signs shall be permitted.
 - b. Canopy signs shall only be permitted on canopy façades facing a public street.

- c. The width and height of the canopy sign shall not exceed the width and height of the canopy façade to which it is attached.
- 8. Window lettering and signs. Window lettering and signs shall be permitted, provided that they:
 - a. Are inside the window.
 - b. Do not exceed 15% of the window area.
 - c. Pertain only to the establishment occupying the premises where the window is located.
 - d. Shall have a professional appearance.
- 9. Instructional Signage.
 - a. Instructional wall and ground signs are permitted.
 - b. The maximum number shall be determined by safety considerations.
 - c. The maximum instructional sign area shall be two square feet.
- 10. Flag poles
 - a. Freestanding flag poles shall be permitted for the district, excluding commercial messages.
 - b. The flagpole shall be no taller than twenty-five (25) feet measured from existing grade.
 - c. The maximum flag area shall be fifteen (15) square feet.
 - d. Flag signs shall be kept in good order and repair. All flags shall be maintained and/or flown in accordance with applicable federal law, regulation, and/or protocol.
- 11. Static Community Landmark Feature
 - a. One (1) static community landmark feature shall be permitted along the US Route 1 frontage, the purpose of which shall be to serve as a gateway feature for the Township. No on-site or off-premises advertising shall be permitted on this feature.
 - b. The site plan shall delineate an area of no greater than twelve (12) feet by twelve (12) feet wherein a static community landmark feature shall be permitted to be placed.
 - c. The static community landmark feature shall be setback from US Route 1 further than any on-site ground-mounted project/tenant identification signs and/or ground-mounted project identification signs located within one hundred (100) feet along US Route 1 in the redevelopment area.
 - d. The static community landmark feature may have up to two (2) display faces.

- e. The height and size of the static community landmark feature shall be determined relative to the design of the sign and the structure as a whole, balancing: visibility; its scale relative to adjacent signs and buildings; the architectural design of the sign structure; and the relationship to other nearby elements along the road. The height shall not exceed fifteen (15) feet.
- f. The design of the static community landmark feature shall incorporate visual art or architectural elements and architectural structure with its visual messaging function, thereby creating a unique or distinctive architectural design. It shall incorporate one or more of the following architectural elements: natural or reproduced stone, wood, brick, ornamental iron or decorative steel. It shall also complement the overall building design and site layout of the redevelopment area, as well as the neighborhood, to the greatest extent feasible.

3.9: Road Vacation Plan

Portions of Varsity Avenue and/or Mather Avenue public right-of-way that lie within the Redevelopment Area may be vacated by the Township, in its discretion. Any such right-of-way vacation shall preserve a remaining utility easement for all utilities located within the vacated right-of-way and easement for public access, the timing and parameters of which will be set forth in a Redevelopment Agreement by and between the Township and a designated redeveloper.

3.10: Site Plan Application

Potential redevelopers will be required to enter into a Redevelopment Agreement with the Township for the purpose of setting forth such details as the Township and such redeveloper may agree regarding the development or redevelopment of the Redevelopment Area. No application for development or redevelopment of property subject to this Redevelopment Plan may be filed with the Planning Board until the applicant has been designated, by the Township, as the redeveloper and the applicant has entered into a Redevelopment Agreement with the Township. Alternatively, any application filed with the Planning Board regarding development or redevelopment of property subject to this Redevelopment Plan shall be subject to the conditions that the applicant be so designated and enter into such Redevelopment Agreement.

Section 4: Consistency to Other Plans

The following section identifies the relationship of this Redevelopment Plan to the Township's Master Plan, as well as the Township of Plainsboro Land Use Plan, the Mercer County Master Plan, the State Development and Redevelopment Plan, and the Draft State Strategic Plan.

4.1: Township of West Windsor Master Plan

As per the Township's most recent Land Use Plan, which was adopted in 2002 and most recently amended in 2019, the entirety of the Route 1 Penns Neck Business Commercial Redevelopment Area is located in the Low Density Residential (R-2) land use category. As noted by the Land Use Plan, the purpose of this land use category is to recognize residential areas where conventional single-family lots of one-acre have been developed. It should be noted that this land use designation is actually inconsistent with the Township's zoning map, which places the area in the R-20 District.

In addition, the Land Use Plan includes the following land use recommendations which are pertinent to the Redevelopment Area.

Goal A:

Achieve a desirable balance of nonresidential, residential, open space, recreational, cultural, civic and agricultural uses.

Policy 3: Pursue opportunities to achieve a greater balance of nonresidential to residential land use in appropriate areas of the Township.

Policy 6: Promote adequacy, variety, and convenience of shopping for local residents by providing for community scale neighborhood/village business centers and convenience service areas. Where practical, improve opportunities for local retail and services, particularly in the southeast portion of the Township, in existing centers or designated locations along arterial roadways.

The Township adopted its most recent Reexamination Report of the Master Plan on May 23, 2018. While the 2018 Reexamination Report did not specifically address the Redevelopment Area, it did recommend that the Township prepare a new and updated land use plan, including detailed planning goals, objectives, and policies statements. In addition, it noted that a new plan should clearly identify the basis for the Township's various land use categories.

While the Route 1 Penns Neck Business Commercial Redevelopment Plan is a departure from the Township's 2002 Land Use Plan, the 2018 Reexamination Report clearly identified the need for a new and updated land use plan that should clearly identify the basis for the Township's land use categories. Furthermore, the Route 1 Penns Neck Business Commercial Redevelopment Plan is consistent with Goal A Policy 3 as it provides a greater balance of nonresidential uses to residential uses. The Plan is also consistent with Goal A Policy 6 as it promotes adequacy, variety, and convenience of shopping for local residents.

4.2: Township of Plainsboro Master Plan

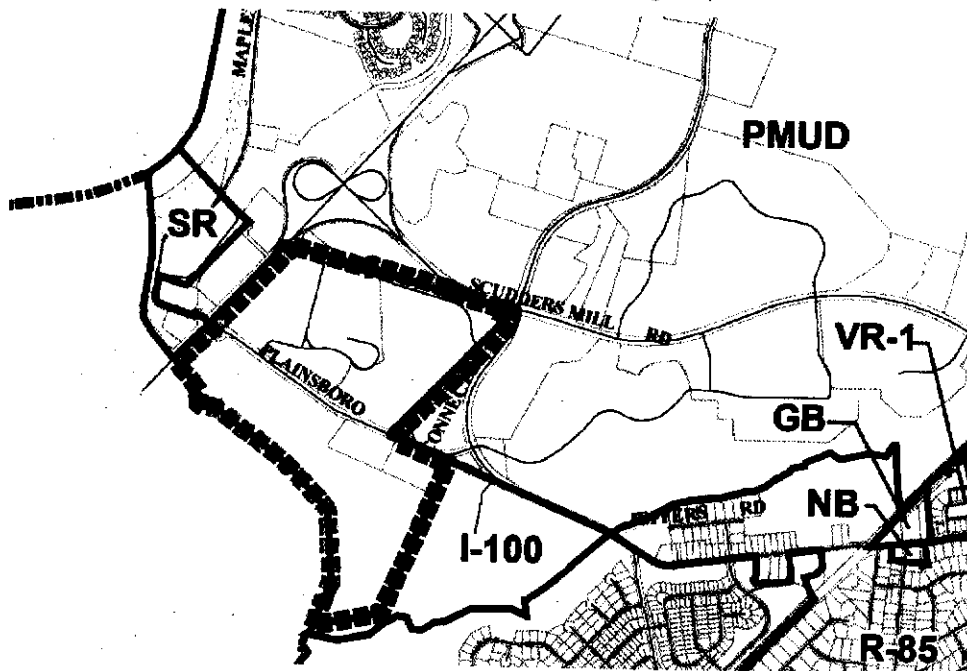
While the Route 1 Penns Neck Business Commercial Redevelopment Area is not located immediately adjacent to West Windsor's shared municipal border with the Township of Plainsboro, the two municipalities nevertheless both contain significant frontage along the US Route 1 corridor near the Millstone River. As such, it is appropriate to examine the relationship of the Route 1 Penns Neck Business Commercial Redevelopment Plan with the Township of Plainsboro's Land Use Plan Element.

Plainsboro's last comprehensive master plan was adopted on January 20, 2009 and was most recently amended on August 20, 2018. As noted by the Land Use Plan Element of the Plainsboro Master Plan, the properties fronting along the US Route 1 corridor between Plainsboro's shared municipal border with West Windsor and the Scudders Mill Road interchange are predominantly located in commercial and office land use categories. Specifically, the following zoning districts are identified in this area:

- ❖ The PMUD Planned Unit Development District, which permits among other uses business and commercial uses;
- ❖ The SR Service Residential District, which permits among other uses home occupations and professional offices;
- ❖ The FMC Corporation/Princeton Healthcare System Redevelopment Area.

These land use categories and zoning districts are not inconsistent with the Redevelopment Plan contained herein, which also envisions business and commercial uses.

Map 3: Township of Plainsboro Zoning Map



4.2: Mercer County Master Plan

The Mercer County Master Plan was adopted by the Mercer County Planning Board on September 8, 2010 and amended in May of 2016. It consists of five (5) elements, each of which have been independently updated on a periodic basis.

The County Plan advocates for a balanced growth alternative, one which:

...favors redevelopment of existing built areas and relies on the preservation of open and agricultural land for the success of both new compact, mixed-use centers and linear growth corridors developed with context-rich designs.

Accordingly, the Mercer County Master Plan promotes the following broad policies to guide its balanced growth concept:

- ❖ Promote appropriate location and design of new development with opportunities for transit, regional equity (i.e. the practice of seeking to ensure that all individuals and families in all communities can participate in and benefit from economic growth and activity throughout the region¹) and preservation.
- ❖ Promote redevelopment.
- ❖ Promote desirable compact design that supports transit and promotes walking.
- ❖ Promote land use patterns that limit stormwater runoff and increase green infrastructure.
- ❖ Direct growth to transit corridors and centers.
- ❖ Mix uses to promote walkable communities.

In consideration of the above, the Route 1 Penns Neck Business Commercial Redevelopment Plan is consistent with several of the broad policies of the Mercer County Master Plan. Specifically, due to its location along the US Route 1 corridor, the Plan encompasses an appropriate location for new development. It also features an appropriate design which permits additional economic opportunities while also providing for enhanced landscape buffer areas for neighboring residential uses. Furthermore, the Plan promotes redevelopment as well as a compact design which is supportive of both transit and local access. The Plan will also ultimately promote a land use development which will limit stormwater runoff.

¹ Blackwell, Angela Glover and Radkhika K. Fox. "Regional Equity and Smart Growth: Opportunities for Advancing Social and Economic Justice in America." 2004. *Funder's Network for Smart Growth and Livable Communities*.

4.3: State Development and Redevelopment Plan

As established by NJSA 52:18A-200(f), the purpose of the 2001 State Development and Redevelopment Plan (SDRP) is to:

Coordinate planning activities and establish Statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination.

As such, the SDRP establishes a number of goals and strategies related to a number of different topics, including economic redevelopment. One such goal is to revitalize existing urban centers by directing growth and development to those areas. Specifically, the SDRP seeks to revitalize the State's cities and towns by protecting, preserving, and developing the valuable human and economic assets in cities, town, and other urban areas.

As indicated by the SDRP's Policy Map, the Route 1 Penns Neck Business Commercial Redevelopment Area is located within the PA-2 Suburban Planning Area, wherein development and redevelopment is intended to be directed. Specifically, the intent of this Planning Area is to:

- ❖ Provide for much of the state's future development;
- ❖ Promote growth in Centers and other compact forms;
- ❖ Protect the character of existing stable communities;
- ❖ Protect natural resources;
- ❖ Redesign areas of sprawl;
- ❖ Reverse the current trend toward further sprawl, and;
- ❖ Revitalize cities and towns.

Accordingly, the Redevelopment Plan furthers several of the intents of PA-2. It is designed to encourage development and growth in a compact form, while also revitalizing an entryway into the Township.

4.4: Draft State Strategic Plan

In October of 2011, the Draft State Strategic Plan (SSP) was developed as an update to the current State Development and Redevelopment Plan (SDRP). The intent of the SSP is to increase focus on policies aimed to foster job growth, support effective regional planning, and preserve the State's critical resources. The four overarching goals that serve as the blueprint of the Plan are summarized as follows:

Goal 1:
Targeted Economic Growth.

Enhance opportunities for attraction and growth of industries of statewide and regional importance;

Goal 3:
Preservation and Enhancement of Critical State Resources.

Ensure that strategies for growth include preservation of the State's critical natural, agricultural, scenic, recreation, and historic resources.

Goal 2:
Effective Planning for Vibrant Regions.

Guide and inform regional planning so that each region of the State can experience appropriate growth according to the desires and assets of that region;

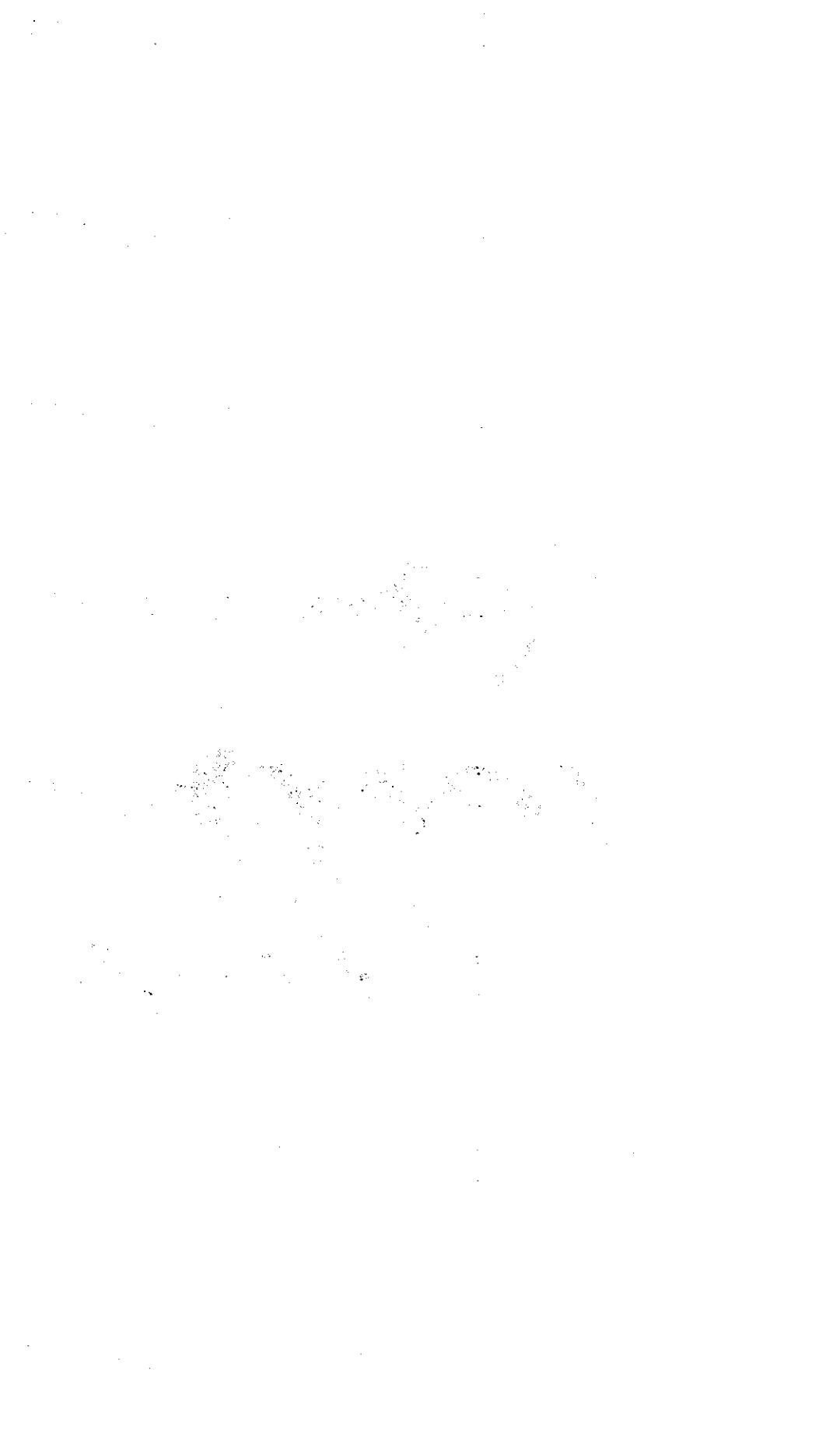
Goal 4:
Tactical Alignment of Government.

Enable effective resource allocation, coordination, cooperation, and communication amongst governmental agencies on local, regional, and state levels.

Unlike the existing SDRP, the SSP does not contain any mapping. Thus far in its draft form, the SSP appears to have a greater emphasis on the State's overall economic framework and provide information and goals for New Jersey's various industry clusters.

The Draft Final Plan was approved by the State Planning commission on November 14, 2011 by Resolution No. 2011-08. However, it has not yet been formally adopted by the State.

In consideration of the above, the Redevelopment Plan contained herein is consistent with the Draft SSP. It targets economic growth and advocates for effective growth.



Section 5: General Provisions

The following section contains the general provisions of the Redevelopment Plan.

5.1: Zoning Map and Ordinance

This Redevelopment Plan shall supersede all use, area and bulk provisions of the Land Use (Chapter 200) ordinances of the Township of West Windsor regulating development on this site. In all situations where development regulations are not specifically addressed herein, the Township of West Windsor Land Use regulations shall remain in effect. Final adoption of this Redevelopment Plan by the Township Council shall be considered an amendment of the Township of West Windsor Zoning Map.

5.2: Site Plan Review

Any site plan for the construction of improvements within the Redevelopment Area shall be submitted to the Planning Board in accordance with the Township of West Windsor Land Use regulations, Chapter 200, of the Township Code.

5.3: Amendments to the Redevelopment Plan

This Redevelopment Plan may be amended from time to time as provided by the LRHL.

5.4: Severability

Should any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.

5.5: Deviation Requests

The Planning Board and the Zoning Board of Adjustment are authorized to grant variances from the building and use requirements contained in this Plan in accordance with the jurisdictional authority stipulated in the Municipal Land Use Law at NJS 40:55D-60 and 40:55D-70.



Section 6: Summary of Compliance

In accordance with the LRHL (NJSA 40A:12A-1 et seq.), the following statements are offered regarding compliance with the requirements of a redevelopment Plan.

1. *Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.*

The Redevelopment Plan contained herein has delineated a definite relationship to local objectives as to appropriate land uses, transportation and utilities, recreational and community facilities, and other public improvements.

2. *Proposed land uses and building requirements in the project area.*

The Redevelopment Plan contained herein outlines the proposed land uses and building requirements for the Redevelopment Area.

3. *Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.*

Relocation, temporary or permanent, of residents and/or businesses displaced as a result of the implementation of this Redevelopment Plan shall be carried out by the Township, or such entity designated by the Township (Relocation Entity), in accordance with the provisions of the State of New Jersey Relocation Assistance Law of 1967 (NJSA 52:31B-1 et seq.) and the Relocation Assistance Act of 1971 (NJSA 20:4-1 et seq.), the rules promulgated thereunder, and a State-approved Workable Relocation Assistance Plan (WRAP) for the Redevelopment Area.

It is estimated that adequate opportunities for the relocation of residents and/or businesses currently located within the Redevelopment Area are available in the immediate region. The Relocation Entity will seek to identify potential new locations for residents and/or businesses, if applicable, that may be displaced as a result of the implementation of this Redevelopment Plan.

4. *An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.*

This Redevelopment Plan authorizes the Township to acquire any of the properties within the Redevelopment Area, including acquisition of fee interest or such lesser interest as may be necessary to effectuate the implementation of this Redevelopment Plan, or to eliminate any restrictive covenants, easements or similar property interests that may obstruct or undermine the implementation of this Redevelopment Plan. The Township may effectuate such acquisition by exercising the power of eminent domain, if necessary, in addition to other methods generally permitted by applicable law.

5. *Any significant relationship of the redevelopment to: the master plans of contiguous municipalities; the master plan of the county in which the municipality is located; and The State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L. 1985, c.398 (C.52:18A-196 et al.)*

The Redevelopment Plan is consistent with the Township of Plainsboro Land Use Plan as it relates to the portion of the US Route 1 Corridor near its shared municipal border with the Township of West Windsor. It also advances the goals and objectives of the Mercer County Master Plan, the New Jersey State Development and Redevelopment Plan, and the draft State Strategic Plan.

6. *As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to Section 4 of P.L.1985, c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.*

No low- or moderate-income households are proposed to be removed with this Redevelopment Plan.

7. *A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last eighteen (18) months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan.*

No low- or moderate-income households are proposed to be removed with this Redevelopment Plan.

Appendix

RESOLUTION

- WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the “Redevelopment Law”), authorizes a municipality to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and
- WHEREAS, by Resolution 2019-R090, adopted on April 15, 2019, the Township Council (the “Council”) of the Township of West Windsor (the “Township”) authorized and directed the Planning Board of the Township (the “Planning Board”) to conduct a preliminary investigation of the area including Block 38, Lots 1, 2, 3, 25 and 45, and Block 39, Lots 4, 5, 7, 16 and 27 on the Official Tax Map of the Township (collectively, the “Study Area”), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically N.J.S.A. 40A:12A-5, and should be designated as an area in need of redevelopment; and
- WHEREAS, in Resolution 2019-R090, the Council provided that, if the Study Area is ultimately designated as an area in need of redevelopment, then the Township shall be authorized to use all the powers provided under the Redevelopment Law for use in a redevelopment area, including the power of eminent domain; and
- WHEREAS, the Planning Board caused Burgis Associates (the “Planning Consultant”) to conduct a preliminary investigation to determine whether the Study Area should be designated an area in need of redevelopment; and
- WHEREAS, the Planning Consultant conducted such investigation and prepared a report, dated July 3, 2019 and entitled “Route 1 Penns Neck Area in Need of Redevelopment Study” (the “Report”); and
- WHEREAS, the Planning Board conducted a public hearing on the matter on July 24, 2019; and
- WHEREAS, the Planning Consultant concluded in the Report, and David Novak, on behalf of the Planning Consultant, testified before the Planning Board on July 24th, that the following properties meet the following criteria, set forth in N.J.S.A. 40A:12A-5, for redevelopment area designation:

Block 38, Lot 2 – criteria N.J.S.A. 40A:12A-5a and b; and
Block 39, Lot 5 - criteria N.J.S.A. 40A:12A-5a, b and d; and
Block 39, Lot 27 – criterion N.J.S.A. 40A:12A-5d; and

WHEREAS, the Planning Consultant also concluded that the following properties should be designated as an area in need of redevelopment, under N.J.S.A. 40A:12A-3, because their inclusion is necessary for the effective redevelopment of the area, although they do not meet criteria set forth in N.J.S.A. 40A:12A-5:

Block 38, Lot 3; and
Block 39, Lot 4; and

WHEREAS, the Planning Consultant concluded that the balance of the Study Area, including the following properties, do not meet criteria set forth in N.J.S.A. 40A:12A-5:

Block 38, Lot 1;
Block 38, Lot 25;
Block 38, Lot 45;
Block 39, Lot 7;
Block 39, Lot 16; and

WHEREAS, the Planning Consultant recommended, therefore, that such properties not be designated as an area in need of redevelopment and, instead, recommended that the Township re-zone such properties, under the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.* (the "MLUL") to reflect more appropriate uses in light of the area's gateway opportunity; and

WHEREAS, the Planning Board considered the Report, the testimony offered by Mr. Novak and comments from members of the public, then the Planning Board voted, unanimously, to recommend that the Township designate the entire Study Area as an area in need of redevelopment; and

WHEREAS, the Planning Consultant recommended that Block 38, Lot 3 and Block 39, Lot 4 be designated as an area in need of redevelopment, even though they do not exhibit conditions that meet criteria set forth in N.J.S.A. 40A:12A-5, because their location relative to other lots that did exhibit such conditions (ie, Block 38, Lot 2 and Block 39, Lots 5 and 27), make it necessary to include Block 38, Lot 3 and Block 39, Lots 4 and 5 to create a contiguous parcel that a redeveloper can effectively redevelop; and

WHEREAS, the Planning Board agreed with the Planning Consultant, however, the Planning Board also found that including Block 38, Lot 1 will, in addition, present an area with more frontage along the Route 1 corridor; and

- WHEREAS, the Planning Board concluded, therefore, that Block 38, Lot 1 should also be included because it is necessary to effectively redevelop the overall area; and
- WHEREAS, the Planning Board also found that the parcels along Route 1 are shallow, particularly for properties fronting on a major highway; and
- WHEREAS, the Planning Board concluded, therefore, that the inclusion of Block 38, Lots 25 and 45, and Block 39, Lots 7 and 16 is necessary to effectively redevelop the area because they will, when coupled with properties fronting on Route 1, create an overall depth that will encourage more comprehensive, better-planned redevelopment; and
- WHEREAS, the Planning Consultant recommended that the parcels not fronting on Route 1 could be re-zoned, through conventional re-zoning under the MLUL, that would complement the re-zoning undertaken under the Redevelopment Law, in order to accomplish the goal of effectively redeveloping the entire Study Area; and
- WHEREAS, the Planning Board believes, however, that there is no practical difference between, on the one hand, redeveloping a portion of the Study Area and conventionally re-zoning the other portion thereof and, on the other hand, re-zoning the entire Study Area under the Redevelopment Law; and
- WHEREAS, finally, the Planning Board found that the majority of the parcels in the Study Area are already owned by the same party, and most of the rest of the parcels are owned by another party; and
- WHEREAS, the Planning Board concluded that common ownership of the vast majority of the parcels in the Study Area lends itself to redevelopment under the Redevelopment Law, rather than conventional re-zoning under the MLUL; and
- WHEREAS, after the July 24, 2019 Planning Board hearing, McManimon, Scotland & Baumann, LLC, on behalf of the Planning Board, prepared a memorandum, dated August 20, 2019, detailing the Planning Board's findings and recommendations (the "Planning Board Memorandum"); and
- WHEREAS, the Council concurs with the Planning Board's findings, that Block 38, Lot 2, and Block 39, Lots 5 and 27 meet the above-referenced criteria set forth in N.J.S.A. 40A:12A-5 and should be designated as an area in need of redevelopment, for the reasons set forth in the Report, at the hearing on July 24, 2019 and in the Planning Board Memorandum; and

WHEREAS, the Council further concurs with the Planning Board's findings that, although Block 38, Lots 1 and 3, and Block 39, Lots 4, 7, and 16 do not meet criteria set forth in N.J.S.A. 40A:12A-5 for redevelopment area designation, such properties should be so designated, under N.J.S.A. 40A:12A-3, because their inclusion in the area is necessary for the effective redevelopment of the Study Area, for the reasons set forth in the Report, at the hearing on July 24, 2019 and in the Planning Board Memorandum.

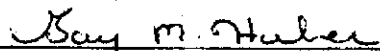
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, that the area including Block 38, Lots 1, 2, 3, 25 and 45, and Block 39, Lots 4, 5, 7, 16 and 27 on the Official Tax Map of the Township is hereby designated as an area in need of redevelopment under the Redevelopment Law.

BE IT FURTHER RESOLVED that the Township shall be authorized to use all the powers provided under the Redevelopment Law for use in a redevelopment area, including the power of eminent domain.

BE IT FURTHER RESOLVED that the Planning Board is hereby directed to prepare a redevelopment plan for the Redevelopment Area, and submit same to the Council, pursuant to N.J.S.A. 40A:12A-7e.

Adopted: September 3, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 3rd day of September 2019.



Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, a vacancy exists on the Board of Recreation Commission for an Alternate II member due to the appointment of Melissa Pirrera to Member; and

WHEREAS, Prabhat Tomar has expressed his interest in serving on the Board of Recreation Commission; and

WHEREAS, it is recommended that Prabhat Tomar be appointed to fill the unexpired term of Melissa Pirrera which expires on December 31, 2022; and

WHEREAS, Mayor Hemant Marathe recommends this appointment and seeks the Council's consent to appoint Prabhat Tomar to the Board of Recreation Commission; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Windsor hereby approves (consents to) the following appointment to the Board of Recreation Commission:

Prabhat Tomar	Alternate II	Term to Expire	12/31/2022
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Adopted: January 13, 2020

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 13th day of January, 2020.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS. a vacancy exists on the Shade Tree Commission for a member; and

WHEREAS, Farryl Lovett Mixson has expressed his interest in serving on the Shade Tree Commission; and

WHEREAS, it is recommended that Farryl Lovett Mixson be appointed to fill the unexpired term which expires on December 31, 2020; and

WHEREAS, Mayor Hemant Marathe recommends this appointment and seeks the Council's consent to appoint Farryl Lovett Mixson to the Shade Tree Commission.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Windsor hereby approves (consents to) the following appointment to the Shade Tree Commission:

Farryl Lovett Mixson	Member	Term to Expire	12/31/2020
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Adopted: January 13, 2020

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 13th day of January, 2020.

Gay M. Huber
Township Clerk
West Windsor Township

TRANSFER RESOLUTION 2019 APPROPRIATIONS

WHEREAS, N.J.S.A. 40 A:4-59 provides for appropriation reserve transfers during the first three months of any fiscal year: and

WHEREAS, it has been determined that appropriations require additional funding to fulfill the purpose of said appropriations:

NOW, THEREFORE BE IT RESOLVED by the Township Council of West Windsor that the following transfers be made within the 2019 local municipal budget for the Township of West Windsor.

<u>TRANSFER FROM</u> <u>ACCOUNT NAME/NUMBER</u>	<u>AMOUNT</u>	<u>TRANSFER TO</u> <u>ACCOUNT NAME/NUMBER</u>
Clerk – Salaries and Wages S&W 105 01 101 A	\$ 15,000.00	Fire & Emergency Services S&W 105 14 102 A
Construction Official S&W 105 38 101 A	\$ 15,000.00	Fire & Emergency Services S&W 105 14 102 A
TOTAL	\$ 30,000.00	

Adopted: January 13, 2020

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 13th day of January, 2020.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, on October 28, 2019 Resolution 2019-R-230 was approved authorizing the Mayor and the Township Clerk to execute the West Windsor Professional Firefighters Association Local 3610 of the International Firefighters Association (IAFF) Agreement; the term of which is January 1, 2019 through December 31, 2022; and

WHEREAS, upon further review of the Agreement specifically Article 17, SALARIES, the attached salary guide “For Employees Hired Before January 1, 2017” was inadvertently omitted from Article 17; and

WHEREAS the salary guide “For Employees Hired After January 1, 2017”, specifically, the compensation for the following Steps: Entry, Second Year, and Third Year for 2020, 2021, and 2022 was inadvertently omitted from Article 17; and

WHEREAS, the salary guides referenced herein do not change any benefits received by the employees covered under this Agreement;

WHEREAS, the negotiation teams of both the Township of West Windsor and the West Windsor Professional Firefighters Association Local 3610 of the IAFF recommend to the Mayor and Township Council said Amendment to the Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Mayor and Township Clerk are hereby authorized and directed to execute an Amendment, to incorporate salary guides “For Employees Hired Before January 1, 2017” and “For Employees Hired After January 1, 2017” under “ARTICLE 17, SALARIES, in the Agreement with the West Windsor Professional Firefighters Association Local 3610 of the IAFF.

Adopted: January 13, 2020

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 13th day of January 2020.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, the Township of West Windsor, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and
- WHEREAS, the Township of West Windsor has the need on a timely basis to purchase technological goods or services utilizing State contracts; and
- WHEREAS, the Township of West Windsor is in need of a replacement Voice Over IP Telephone system for the Municipal Building, Fire and Emergency Services Stations 43 and 45, Public Works Facility, the Senior Center and the Health and Recreation and Parks Divisions Facilities; and
- WHEREAS, the Township of West Windsor intends to enter into contracts with CDW-Government as an Authorized Vendor of Data Communications Equipment under New Jersey State Contract M7000-87720 through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contract;
- WHEREAS, the total cost of the hardware and licenses necessary is \$86,240.00 and the Chief Financial Officer has certified the availability of funds in the following account for the above:

4 05 2019 18 001	Network/Computer/Printer/Scanners	\$ 86,240.00
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NOW, THEREFORE, BE IT RESOLVED, by the Township Council of West Windsor that the Business Administrator Marlena Schmid is hereby authorized to purchase the above, under New Jersey State Contract # M7000-87720 from CDW Government.

Adopted: January 13, 2020

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 13th day of January, 2020.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor requires professional engineering services on a consultant basis for inspection and certification of construction performed by developers, conformance reviews, and miscellaneous engineering projects as assigned; and

WHEREAS, the Township wishes to enter into a services agreement with ACT Engineers, Inc. for the aforesaid services; and

WHEREAS, the Chief Financial Officer has certified that funds are available for said contract in the following line item appropriation accounts:

<u>Engineering-Consultant Services</u>	<u>105-30-210</u>	<u>\$3,000.00</u>
Account Title	Account Number	Amount

WHEREAS, the maximum amount of the contract is subject to the final adoption of the 2020 Local Municipal Budget and funds are available through various developers' escrow accounts and account 105-30-210 "Engineering Costs & Services: Consultants;" and

WHEREAS, additional services may be required for various capital projects as assigned and may be certified to if funds are available as certified by the Township's Chief Financial Officer; and

WHEREAS, services to be performed may be retained by the Township without public advertising for bids pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because the aforesaid services are professional in nature; and

WHEREAS, the Local Public Contracts Law requires a resolution authorizing the award of contract for the services without competitive bidding be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor as follows:

- (1) The Mayor and Clerk are hereby authorized to execute, on behalf of the Township a services agreement with ACT Engineers, Inc. to cover the period January 13, 2020 through December 31, 2020.
- (2) The Agreement so authorized shall require the Provider to provide professional engineering services, including development inspection services pursuant to its proposal dated December 19, 2019. The contract is awarded without competitive bidding as authorized by the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5(1)(a) because the services are professional in nature.

- (3) A notice of this action shall be published in the newspaper used by the Township for legal publications as required by law within ten (10) days of its passage.
- (4) An executed copy of the Contract between the Township and Van Cleef Engineering Associates and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: January 13, 2020

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 13th day of January 2020.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor requires professional engineering services on a consultant basis for inspection and certification of construction performed by developers, conformance reviews, and miscellaneous engineering projects as assigned; and

WHEREAS, the Township wishes to enter into a services agreement with Van Cleef Engineering Associates for the aforesaid services; and

WHEREAS, the Chief Financial Officer has certified that funds are available for said contract in the following line item appropriation accounts:

<u>Engineering-Consultant Services</u>	<u>105-30-210</u>	<u>\$3,000.00</u>
Account Title	Account Number	Amount

WHEREAS, the maximum amount of the contract is subject to the final adoption of the 2020 Local Municipal Budget and funds are available through various developers' escrow accounts and account 105-30-210 "Engineering Costs & Services: Consultants;" and

WHEREAS, additional services may be required for various capital projects as assigned and may be certified to if funds are available as certified by the Township's Chief Financial Officer; and

WHEREAS, services to be performed may be retained by the Township without public advertising for bids pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1-5(1)(a) because the aforesaid services are professional in nature; and

WHEREAS, the Local Public Contracts Law requires a resolution authorizing the award of contract for the services without competitive bidding be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor as follows:

- (1) The Mayor and Clerk are hereby authorized to execute, on behalf of the Township a services agreement with Van Cleef Engineering Associates to cover the period January 13, 2020 through December 31, 2020.
- (2) The Agreement so authorized shall require the Provider to provide professional engineering services, including development inspection services pursuant to its proposal dated December 19, 2019. The contract is awarded without competitive bidding as authorized by the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-1-5(1)(a) because the services are professional in nature.

- (3) A notice of this action shall be published in the newspaper used by the Township for legal publications as required by law within ten (10) days of its passage.
- (4) An executed copy of the Contract between the Township and Van Cleef Engineering Associates and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: January 13, 2020

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 13th day of January 2020.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, West Windsor Township awarded a contract on October 28, 2019 to MNC Concrete LLC, for the project known as “2019 Sidewalk Repair Program” for the contract amount of \$ 95,880.00 as set forth in the contract documents; and

WHEREAS, Change Order No. 1 which accounts for an increase of \$3,605.49 for additional quantities adjustment due to field conditions has been submitted; and

WHEREAS, the Township Landscape Architect has inspected the project and recommends the change order.

WHEREAS, the Chief Financial Officer has certified that funds are available for said contract in the following line item appropriation accounts:

<u>Bicycle and Pedestrian Improvements</u>	<u>405-2019-18-009</u>	<u>\$3,605.49</u>
Account Title	Account Number	Amount

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that Change Order No. 1 for additional quantities is hereby approved, adjusting the quantities for a revised contract amount of \$ 99,485.49.

BE IT FURTHER RESOLVED that the Township Business Administrator is hereby authorized to execute Contract Change Order No. 1 for additional quantities.

Adopted: January 13, 2020

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 13th day of January 2020.

Gay Huber
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, the Township Council (the “Township Council”) of the Township of West Windsor (the “Township”) designated a series of properties in Blocks 5, 6, 6.2, 12.04, 13, 57, 59 and 64 on the Township’s tax maps (collectively, the “Redevelopment Area”) as an area in need of redevelopment in accordance with the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et. seq.* (the “Redevelopment Law”); and
- WHEREAS, the Township Council approved and adopted a redevelopment plan for the Redevelopment Area, entitled “Township of West Windsor Redevelopment Plan for Princeton Junction” (the “Redevelopment Plan”); and
- WHEREAS, VCC Princeton Junction, LLC (the “Redeveloper”), the owner of the portion of the Redevelopment Area consisting of Block 12.04, Lot 18 on the Township’s tax map (the “Project Area”), has expressed an interest in redeveloping; and
- WHEREAS, the Redeveloper proposes to construct, on the Project Area, a project including a child care/early childhood development center with playground, and a mixed-use, 2-story building consisting of 10,000 square feet of ground floor retail space and twelve 1-bedroom apartments above the retail space (collectively, the “Redevelopment Project”); and
- WHEREAS, the Redeveloper received d(1) use variance approval (“Use Variance”) for the Childcare Center from the Township Zoning Board of Adjustment (“Board”) on January 3, 2019, which Use Variance was memorialized by resolution adopted by the Board on January 24, 2019; and
- WHEREAS, the Redeveloper received preliminary and final site plan approval from the Board for the Redevelopment Project and a three-year extension of the Use Variance on October 24, 2019 (collectively the “Site Plan Approvals”); and
- WHEREAS, the Township has determined that the Redevelopment Project is in the best interests of the Township; and
- WHEREAS, the Township engaged in preliminary discussions with representatives of the Redeveloper regarding the potential redevelopment of the Project Area, including the discussion of terms and provisions of an agreement governing the Redevelopment Project; and
- WHEREAS, the Township now desires to designate the Redeveloper as the redeveloper of the Project Area and to approve a form of a redevelopment agreement by and between the Township and the Redeveloper (the “Redevelopment Agreement”).

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of West Windsor, County of Mercer, State of New Jersey, that the Redeveloper is hereby designated as the redeveloper of the Project Area, subject to the execution of the Redevelopment Agreement.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the Redevelopment Agreement by and between the Township and the Redeveloper, in a form substantially similar to that attached hereto and the Township Clerk is hereby authorized and directed to attest the Mayor's execution of the Redevelopment Agreement.

Adopted: January 13, 2020

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting on the 13th day of January, 2020.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, there is a vacancy for an Alternate I Member on the West Windsor Zoning Board of Adjustment; and

WHEREAS, Michael Garzio has been serving as an Alternate II Member and has expressed his interest to continue to serve on the Zoning Board of Adjustment; and

WHEREAS, it is recommended that Michael Garzio be appointed to fill the two year term to December 31, 2021.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Windsor hereby approves the appointment of Michael Garzio to Alternate I Member of the Zoning Board of Adjustment with a term to expire on December 31, 2021.

Adopted: January 13, 2020

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 13th day of January 2020.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, a vacancy exists for an Alternate II member on the West Windsor Zoning Board of Adjustment due to Michael Garzio being move to Alternate I member; and

WHEREAS, Eugene Fridkin has expressed an interest in serving on the Zoning Board of Adjustment; and

WHEREAS, it is recommended that Eugene Fridkin be appointed to fill the unexpired term.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Windsor hereby approves the appointment of Eugene Fridkin to Alternate I Member of the Zoning Board of Adjustment for a two year term expiring on December 31, 2020.

Adopted: January 13, 2020

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 13th day of January 2020.

Gay M. Huber
Township Clerk
West Windsor Township