

MEETING TO BE
LIVE STREAMED AT
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AGENDA FOR THE BOARD OF HEALTH MEETING
OF THE TOWNSHIP COUNCIL OF WEST WINDSOR TOWNSHIP
WEST WINDSOR SENIOR CENTER
271 CLARKSVILLE ROAD
TO THE EXTENT KNOWN

VIA Zoom Video Communications

March 28, 2022

7:00 P.M.

1. Call to Order
2. Roll Call
3. Statement of Adequate Notice - Revised Meeting Notice was sent to The Times and the Princeton Packet and posted on the Township web-site on February 16, 2022. All Council meetings are open to the public with access via Zoom for those who wish to attend virtually. Please see Township web-site for further details.
4. Closed Session
5. Salute to the Flag
6. Public Comment (30 minutes comment period; 3-minute limit per person)
7. For Action:

Minutes: August 9, 2021 - Board of Health
November 8, 2021 - Board of Health

8. For Discussion:
 - a. Board of Health Member:
 - b. Mayor/Administration:

Update from Health Officer
9. Closed Session (if needed)
10. Public Comment (30 minutes comment period; 3-minute limit per person)
11. Adjournment

**MEETING TO BE
LIVE STREAMED AT**
<https://www.youtube.com/channel/UC8i0yw7lhozymbgo4N68jJdg/live>

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

March 28, 2022

VIA Zoom Video Communications

Will start after the close of the Board of Health Meeting

1. Call to Order
2. Roll Call
3. Statement of Adequate Notice - January 7, 2022 to The Times and the Princeton Packet and posted on the Township web-site. All Council meetings are open to the public with access via Zoom for those who wish to attend virtually. Please see Township web-site for further details.
4. Salute to the Flag
5. Ceremonial Matters and/or Topics 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

2021-R088 Resolution Supporting the 2022 UDrive. UText. UPay. Distracted Driving Crackdown, April 1-30, 2022

2021-R089 Re-Appointment of Ron Kissel as Building Sub-Code Official for a Four (4) Year Term Commencing on March 5, 2022 and Granted Tenure

A. Resolutions

B. Minutes

February 28, 2022 - Business Session

C. Bills & Claims

12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk

2021-R090 Authorizing the Appointment of Eric R. Knapik as Alternate II Member to Fill the Unexpired Term on the Board of Recreation Commissioners to Expire on December 31, 2022

2021-R091 Authorizing the Mayor and Clerk to Execute the Renewal of a Shared Services Agreement Between West Windsor Township and Hightstown Borough for the Provision of Public Health Services and Receipt of Pubic Health Nursing Services

2021-R092 Authorizing the Mayor and Clerk to Execute the Renewal of a Shared Services Agreement Between West Windsor Township and Robbinsville Township for the Provision of Public Health Services

2021-R093 Authorizing the Mayor and Clerk to Execute the Renewal of a Shared Services Agreement Between West Windsor Township and Hamilton Township for the Provision of Sexually Transmitted Disease - STD Clinic Services

- 2021-R094 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Starnet Solutions, Inc. for Municipal Network and IT Services for a Total Not to Exceed of \$16,425.00
- 2021-R095 Authorizing Dan Dobromilsky, the Township Staff Liaison to the Environmental Commission to Serve as the Township's Agent for the Sustainable Jersey Municipal Certification Process
- 2021-R096 Consenting to the Proposed Amendment to the Mercer County Water Quality Management (WQM) Plan for the Conover Fields Comfort Station
- 2021-R097 Granting Reservation of Sewer Capacity and Authorizing Francis Guzik, The Township Engineer, to Execute the Treatment Works Approval Permit Application to the New Jersey Department of Environmental Protection for the Project Known as Ellsworth Center (ZB13-01), Block 5, Lots 20, 20.01-20.04, 62 & 76
- 2021-R098 Authorizing the Mayor and Clerk to Execute Amendment #1 with ACT Engineers for the Project Known as Wallace Road Bus Garage Remediation in the Amount of \$14,118.00 for a Total Not to Exceed of \$129,993.00
- 2021-R099 Authorizing the Mayor and Clerk to Execute Amendment #1 with ACT Engineers for the Project Known as West Windsor Township Landfill/Compost Facility - Environmental Monitoring in the Amount of \$7,599.00 for a Total Not to Exceed of \$167,429.00
- 2021-R100 Authorizing the Business Administrator to Purchase Dell Tablets and Related Peripherals for the Police Department from Ocean Computing Group Under NJ State Contract 19-TELE-00656 & 89968 for a Total Not to Exceed of \$39,010.44

14. Introduction of Ordinances

2022-03 AN ORDINANCE AMENDING CHAPTER 200 LAND USE; PART
4, ZONING ARTICLE XVIII, REGULATIONS FOR BUSINESS
DISTRICITS, SECTION 200-203, B-3 BUSINESS DISTRICT
(RETAIL NODE) USE, BULK AND AREA REGULATIONS,
ITEM C; AND ELIMINATING ITEM F WITHIN THIS
SECTION

PUBLIC HEARING: April 25, 2022

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

RESOLUTION

WHEREAS, distracted driving is a serious, life-threatening practice that is preventable; and

WHEREAS, distracted driving can result in injuries and deaths to all road users (motorists, pedestrians and bicyclists); and

WHEREAS, distracted driving occurs when drivers divert their attention away from the task of driving to focus on another activity instead; and

WHEREAS, in 2019 alone distracted driving-related crashes resulted in 3,142 deaths and 400,000 injuries on our nation's roads; and

WHEREAS, in New Jersey distracted driving was listed as a contributing circumstance in 49-percent of all motor vehicle crashes in 2019; and

WHEREAS, the State of New Jersey will participate in the nationwide *Distracted Driving 2022 Crackdown* from April 1 – 30, 2022 in an effort to raise awareness and decrease driver distraction through a combination of enforcement and education; and

WHEREAS, the national slogan for the campaign is *U Drive. U Text. U Pay*; and

WHEREAS, a reduction in distracted driving in New Jersey will save lives on our roadways.

NOW, THEREFORE, BE IT RESOLVED Mayor Hemant Marathe and the Township Council of The Township of West Windsor do hereby declare their support for the *Distracted Driving 2022 Crackdown* both locally and nationally from April 1-30, 2022 and pledge to increase awareness of the dangers of distracted driving.

Adopted: March 28, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of March, 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, pursuant to the provisions of N.J.S.A.52:27D-126, the New Jersey Uniform Construction Code requires a municipality appoint a Building Subcode Official; and

WHEREAS, Ron Kissel was appointed as Building Subcode Official for the Township of West Windsor on March 5, 2018 per Resolution 2018-R073 effective March 5, 2018 expiring March 5, 2022; and

WHEREAS, Ron Kissel has been licensed since 1994 and has been an employee of West Windsor since 1992 serving as a Building Inspector, Plans Examiner and most recently, since 2018, as Building Subcode Official; and

WHEREAS, Ron Kissel has the ability, diligence, knowledge and professionalism and is most qualified to continue performing Building Subcode Official duties on behalf of the Township of West Windsor; and

WHEREAS, the Mayor, Business Administrator, Construction Code Official and Director of Community Development recommend Ron Kissel be reappointed to Building Subcode Official and granted tenure.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey reappoints Ron Kissel as Building Sub-Code Official of the Township of West Windsor pursuant to the provisions of N.J.S.A.52:27D-126 commencing on March 5, 2022 and grants tenure.

Adopted: March 28, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of March, 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, a vacancy exists on the Board of Recreation Commissioners for an Alternate II Member; and

WHEREAS, it is recommended that Eric R. Knapik be appointed Alternate II Member which expires December 31, 2022; and

WHEREAS, Mayor Hemant Marathe recommends this appointment and seeks the Council's consent to appoint Eric R. Knapik to the Board of Recreation Commissioners.

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

Eric R. Knapik Alternate II Member Term to Expire 12/31/2022

Adopted: March 28, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of March, 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

A RESOLUTION AUTHORIZING THE EXECUTION OF RENEWAL OF A SHARED SERVICES AGREEMENT BETWEEN WEST WINDSOR TOWNSHIP AND HIGHTSTOWN BOROUGH FOR THE PROVISION OF PUBLIC HEALTH SERVICES

WHEREAS, Hightstown Borough is in need of the provision of local public health services and is desirous of renewing a Shared Services Agreement; and

WHEREAS, West Windsor Township is desirous of renewing a Shared Services Agreement to provide public health services to Hightstown Borough; and

WHEREAS, a Shared Services Agreement has been drafted pursuant to N.J.S.A. 40:8A-1 et. seq. effectuating the intent of the parties and is annexed hereto.

NOW, THEREFORE, BE IT RESOLVED the Mayor and Clerk are hereby authorized to execute the renewal of a Shared Services Agreement with Hightstown Borough for the provision of public health services.

Adopted: March 28, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of March, 2022

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

A RESOLUTION AUTHORIZING THE EXECUTION OF RENEWAL OF A SHARED SERVICES AGREEMENT BETWEEN WEST WINDSOR TOWNSHIP AND ROBBINSVILLE TOWNSHIP FOR THE PROVISION OF PUBLIC HEALTH SERVICES

WHEREAS, Robbinsville Township is in need of the provision of local public health services and is desirous of renewing a Shared Services Agreement; and

WHEREAS, West Windsor Township is desirous of renewing a Shared Services Agreement to provide public health services to Robbinsville Township; and

WHEREAS, a Shared Services Agreement has been drafted pursuant to N.J.S.A. 40A:65-1 et. seq. effectuating the intent of the parties and is annexed hereto.

NOW, THEREFORE, BE IT RESOLVED the Mayor and Clerk are hereby authorized to execute the renewal of a Shared Services Agreement with Robbinsville Township for the provision of public health services.

Adopted: March 28, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of March, 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, West Windsor Township is in need of provision of certain local public health services (services related to STD's); and

WHEREAS, West Windsor Township is desirous of entering into a Shared Services Agreement for the provision of certain public health services (services related to STD's) from Hamilton Township; and

WHEREAS, a Shared Services Agreement has been drafted pursuant to N.J.S.A. 40A:65-1 et. seq. effectuating the intent of the parties and is annexed hereto.

NOW, THEREFORE, BE IT RESOLVED the Mayor and Clerk are hereby authorized to execute the Shared Services Agreement with Hamilton Township for the provision of certain public health services related to STD's and preventative clinical services for children.

Adopted: March 28, 2022

I hereby certify the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of March, 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor has a need to acquire professional information technology support services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Starnet Solutions, Inc. has submitted proposals dated March 14, 2022 indicating they will provide a 120-hour retainer for on-site, phone or remote support for maintenance, trouble shooting and general support of the Municipal Network for Fourteen Thousand, Four Hundred Dollars (\$14,400.00) and an IT services contract for monthly monitoring of the Police Network for Two Thousand and Twenty Five Dollars (\$2,025.00); and

WHEREAS, the Township wishes to enter into an agreement with Starnet Solutions, Inc. for the aforesaid services; and

WHEREAS, the Chief Financial Officer has certified the availability of funds in the following accounts:

Administration Technology/Computer Services	105 04 268	\$14,400.00
Police – Office Furniture/Equipment Maintenance	105 18 233	<u>\$2,025.00</u>
		\$16,425.00

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 professional services agreement with Starnet Solutions Inc., for an amount not to exceed Sixteen Thousand, Four Hundred and Twenty Five Dollars (\$16,425.00).
- (2) The Agreement so authorized shall require the Provider to provide a 120 hour retainer for on-site, phone or remote support for maintenance, trouble shooting and general support of the Municipal Network for Fourteen Thousand, Four Hundred Dollars (\$14,400.00) and an IT services contract for monthly monitoring of the Police Network for Two Thousand and Twenty Five Dollars (\$2,025.00); pursuant to its proposals dated March 14, 2022. The contract may be 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 Agreement between the Township and Starnet Solutions, Inc. and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: March 28, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of March, 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and
- WHEREAS, West Windsor Township strives to save tax dollars; assure clean land, air and water; and improve working and living environments as steps to building a sustainable community that will thrive and endure; and
- WHEREAS, West Windsor Township hereby acknowledges that the residents of West Windsor Township desire a stable, sustainable future for themselves and future generations; and
- WHEREAS, West Windsor Township wishes to demonstrate governance that benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and
- WHEREAS, by endorsing a sustainable path, West Windsor Township is pledging to educate itself and community members further about sustainable activities, and to develop initiatives supporting sustainable local government and community practices; and
- WHEREAS, as elected representatives of West Windsor Township, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our quality of life; and
- WHEREAS, the West Windsor Township Environmental Commission has guided West Windsor Township to the forefront of sustainable municipal activities through many initiatives, advisories, and plans.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of West Windsor that to focus attention and effort within West Windsor Township on matters of sustainability, the Council of West Windsor Township wishes to pursue local initiatives and document actions that will lead to Sustainable Jersey Municipal Program Certification.

BE IT FURTHER RESOLVED, by the Council of West Windsor Township that we do hereby recommend that the West Windsor Township Environmental Commission be re-established as the lead agency, and empowered to recruit a subcommittee of advisors to establish the West Windsor "Green Team," under the Sustainable Jersey Municipal Certification Program, to continue developing plans, implementing programs, documenting actions, and assisting with educational opportunities that support the creation of a sustainable community.

BE IT FURTHER RESOLVED, by the Council of West Windsor Township that we do hereby authorize the Township staff liaison to the Environmental Commission to serve as West Windsor Township's agent for the Sustainable Jersey Municipal Certification process, whom is hereby authorized to submit the Municipal Registration on behalf of West Windsor Township.

Adopted: March 28, 2022

I hereby certify that the above Resolution was adopted by the Township Council of the Township of West Windsor at their meeting held on the 28th day of March 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor desires to provide for the orderly development of wastewater facilities within the County of Mercer; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, conform with an approved Water Quality Management (WQM) Plan; and

WHEREAS, the NJDEP has established the WQM Plan amendment procedure through the WQM Plan rules at N.J.A.C. 7:15-3.5 as the method of incorporating unplanned facilities into a WQM Plan; and

WHEREAS, a proposed WQM Plan amendment publicly noticed in the New Jersey Register on March 7, 2022 for an Amendment to the Mercer County Water Quality Management Plan entitled, "Conover Fields Comfort Station", has been prepared by West Windsor Township.

NOW, THEREFORE, BE IT RESOLVED by the Townshil Council of the Township of West Windsor that:

1. The Township of West Windsor hereby consents to the Mercer County Water Quality Management Plan amendment, entitled, "Conover Fields Comfort Station", and publicly noticed on March 7, 2022, prepared by West Windsor Township, for the purpose of its incorporation into the applicable WQM Plan.
2. This consent shall be submitted to the NJDEP pursuant to N.J.A.C. 7:15-3.5(g)6.

Adopted: March 28, 2022

I hereby certify this is a true copy of a Resolution adopted by the West Windsor Township Council at their meeting held on the 28th day of March 2022.

Gay M. Huber
Township Clerk
Township of West Windsor

RESOLUTION

WHEREAS, Shawn Ellsworth, through his professional consultant, has submitted a request for a reservation of sewer capacity in the public sewer system for the project known as Ellsworth Center (PB18-06) located at Block 5; Lots 20, 20.01-20.04, 62 & 76; and

WHEREAS, an extension of the on-site sewer collection system is also proposed, which requires a Treatment Works Approval Permit from the New Jersey Department of Environmental Protection; and

WHEREAS, the Township Engineer has certified that there is sufficient capacity in the existing downstream sanitary sewer system to accommodate the increase in average daily flow of 6,827 gallons per day (gpd) of wastewater that is estimated to be generated by the proposed improvement, for a total proposed site discharge of 10,865 gpd.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that a reservation of sewer capacity in the amount of 10,865 gpd, an increase of 6,827 gpd over existing, is hereby granted for the project known as Ellsworth Center (PB18-06) located at Block 5; Lots 20, 20.01-20.04, 62 & 76; and

BE IT FURTHER RESOLVED that this allocation of Township sewer capacity shall be in effect for a period of one (1) year; and

BE IT FURTHER RESOLVED that the Township Engineer be and hereby is authorized to execute the endorsement of the New Jersey Department of Environmental Protection Treatment Works Approval Permit application, as required to implement this Resolution, upon submission of final design/construction plans and specifications acceptable to the Township Engineer.

Adopted: March 28, 2022

I hereby certify this is a true copy of a Resolution adopted by the West Windsor Township Council at their meeting held on the 28th day of March 2022.

Gay M. Huber
Township Clerk
Township of West Windsor

RESOLUTION

- WHEREAS, the Township of West Windsor required professional engineering services for the West Windsor Township Wallace Road Bus Garage Remediation; and
- WHEREAS, ACT Engineers was awarded the contract on May 28, 2019 for the total contract amount of One Hundred Fifteen Thousand Eight Hundred Seventy Five Dollars (\$115,875.00); and
- WHEREAS, there was a need for out-of-scope items encountered during the course of the remedial investigation activities, all as outlined in their March 2, 2022 proposal; and
- WHEREAS, Certification of Funds has been received from the Chief Financial Officer and funds are available in the following line item appropriation account:
- | | | |
|----------------------------------|-----------------|-------------|
| Traffic Safety Hazard Mitigation | 405 2017 21 010 | \$14,118.00 |
|----------------------------------|-----------------|-------------|
- WHEREAS, the Chief Financial Officer is authorized to increase the purchase order by \$14,118.00 for a revised contract amount, with the approval of Amendment #1, of \$129,993.00; and
- WHEREAS, the Township Engineer recommends said Amendment #1 to the Agreement for Professional Services be executed; 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 an agreement for the services.

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, Amendment #1 to the Agreement for Professional Engineering Services with ACT Engineers of Robbinsville, NJ.
- (2) This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law.
- (3) All other terms and conditions of the Agreement with ACT Engineers, dated May 28, 2019 remain in full force and effect.
- (4) An executed copy of the revised Agreement between the Township and ACT Engineers and a copy of this resolution shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: March 28, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of March 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, the Township of West Windsor required professional engineering services for the former West Windsor Township Landfill/Compost Facility – Environmental Monitoring; and
- WHEREAS, ACT Engineers was awarded the contract on July 29, 2019 for the total contract amount of One Hundred Fifty Nine Thousand Eight Hundred Thirty Dollars (\$159,830.00); and
- WHEREAS, there was a need for out-of-scope items encountered during the course of the remedial investigation activities, all as outlined in their March 2, 2022 proposal; and
- WHEREAS, Certification of Funds has been received from the Chief Financial Officer and funds are available in the following line item appropriation account:
- | | | |
|----------------------------------|-----------------|------------|
| Traffic Safety Hazard Mitigation | 405 2020 14 015 | \$7,599.00 |
|----------------------------------|-----------------|------------|
- WHEREAS, the Chief Financial Officer is authorized to increase the purchase order by \$7,599.00 for a revised contract, with the approval of Amendment #1, of \$167,429.00
- WHEREAS, said Amendment #1 to the Agreement for Professional Services has been reviewed by the Township Engineer and recommends it be executed; 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 an agreement for the services.

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, Amendment #1 to the Agreement for Professional Engineering Services with ACT Engineers of Robbinsville, NJ.
- (2) This contract is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law.
- (3) All other terms and conditions of the Agreement with ACT Engineers, dated July 29, 2019 remain in full force and effect.
- (4) An executed copy of the revised agreement between the Township and ACT Engineers and a copy of this resolution shall be on file and available for public inspection in the office of the Township Clerk

Adopted: March 28, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of March 2022.

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 computer equipment, peripherals and related services utilizing State contracts; and

WHEREAS, Ocean Computer Group, Inc., 90 Matawan Road, Matawan, NJ 07747 is an authorized vendor under NJ State Contract 19-TELE-00656 & 89968 and

WHEREAS, the Township needs to purchase Dell tablets, peripherals and related services to be utilized as mobile data terminals on the Police Department Network in the amount of \$39,010.44; and

WHEREAS, the Chief Financial Officer has certified the availability of funds in the following account for this purchase:

Police – Acq. Of Equipment- Non Vehicular 405-2021-14-025 \$39,010.44

NOW, THEREFORE, BE IT RESOLVED that the Township Council authorizes the Business Administrator Marlena Schmid to purchase the above from Ocean Computer Group, Inc. under NJ State Contract 19-TELE-00656 & 89968.

Adopted: March 28, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of March, 2022.

Gay M. Huber
Township Clerk
West Windsor Township

ORDINANCE 2022-03

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

AN ORDINANCE AMENDING CHAPTER 200 LAND USE; PART 4, ZONING
ARTICLE XVIII, REGULATIONS FOR BUSINESS DISTRICTS, SECTION 200-203, B-3
BUSINESS DISTRICT (RETAIL NODE) USE, BULK AND AREA REGULATIONS,
ITEM C; AND ELIMINATING ITEM F WITHIN THIS SECTION

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 XVIII, Regulations for Business Districts, Section 200-203, B-3 Business District (Retail Node) use, bulk and area regulations, Item C. is hereby amended as follows. Added text is underlined, and text being eliminated is ~~struck through~~.

- C. Maximum FAR: ~~40%~~ 16% for the district as a whole.^[1]

[1] Editor's note: The B-3 District previously established a FAR of 10%, with a bonus FAR of up to 15% for the provision of low- and moderate-income housing. The Nassau Park and Nassau Pavilion Center was granted this bonus by the Planning Board on October 22, 2003 (PB 02-12) by providing low- and moderate-income housing through a regional contribution agreement (RCA), among other ways. The Board approved a subsequent FAR increase to 15.62% on the basis of the Center's purchase of recreational preservation development credits. The Zoning Board of Adjustment later granted variance relief for a FAR of 15.78% for the construction of an addition to the Wegman's Food Markets (ZB 13-06). As of the date of the adoption of this ordinance, the FAR is 15.73%.

Section 2. Chapter 200 of the Code of the Township of West Windsor, Land Use, Part 4, Zoning, Article XVIII, Regulations for Business Districts, Section 200-203, B-3 Business District (Retail Node) use, bulk and area regulations, Items F. and Items G. are hereby amended as follows. Added text is underlined, and text being eliminated is ~~struck through~~.

- F. ~~Increased FAR and maximum improvement coverage for provision of low- and moderate-income housing.~~

~~(1) The maximum FAR shall be increased to 15% for the district as a whole and the maximum improvement coverage shall be increased to 55% for the district as a whole if the applicant enters into a developer's agreement with the Township in which it agrees to provide in the manner set forth in Subsection F(2) below the number of low- and moderate-income units equal to the quotient derived from dividing the floor area of all uses other than those set forth in Subsections B(8)~~

and (9) of this section by 6,600 square feet. Only floor area approved after the effective date of this Part 4 shall be included in such computation.

- (2) ~~The board of jurisdiction shall determine the manner in which the low and moderate income units are provided for among one or more of the following:~~
 - (a) ~~On-site construction.~~
 - (b) ~~Through a regional contribution agreement.~~
 - (c) ~~Through a fee to the Township, pursuant to a developer's agreement, in an amount equal to 1% of the equalized assessed value of any development in the district approved after the effective date of this Part 4, plus a fee of \$2.60 per square foot for any square footage of said development above the square footage permitted by an FAR of 10%. The per square foot rate shall be increased or decreased by the same percentage that the Council on Affordable Housing or its successor increases or decreases the \$20,000 per unit rate it has established for regional contribution agreements. The amount of the per square foot fee shall be established at the time of preliminary approval. Such fee may be used only to provide low and moderate income units in addition to those units which sites in the Township's affordable housing program are designed to generate, assuming maximum development of the sites, except that, if such funds are used for a site for which a development proposal is pending, they shall be used to provide low and moderate income units in addition to those proposed. In addition, the applicant may propose one or more of the following, in which case the board of jurisdiction may choose from among such proposals and from the methods set forth in Subsections F(2)(a) through (c) above in deciding the manner in which the applicant's obligation to provide low and moderate income housing shall be met.~~
 - (d) ~~Off-site construction on a site zoned for low and moderate income housing, provided that the low and moderate income units proposed are in addition to the number of such units the site is designated or proposed to generate. If no development proposal is pending for the site at the time the application for the planned commercial development is approved, the number of low and moderate income units for which the site is designed shall be determined by assuming maximum development of the site. If a development proposal is pending, the number of low and moderate income units proposed shall govern.~~
 - (e) ~~Off-site construction on a site not zoned for low and moderate income housing, provided that the site is acceptable to the board of jurisdiction.~~
 - (f) ~~An on or off-site land donation which shall be utilized for providing low and moderate income housing. Such donation may be made in lieu of all or a part of the cash contribution.~~

- ~~(3) The low and moderate income units shall comply with the affordability and other standards set forth in § 200-237.~~
- ~~(4) If the low and moderate income units are provided on site, they shall:
 - ~~(a) Meet the unit type, bulk and density standards for the R-4B District.~~
 - ~~(b) Either be integrated into the retail center or be accessible to the common open space, entertainment and outdoor recreation facilities, public facilities, retail uses and public transportation; be buffered in the manner set forth in § 200-227; and be provided with active recreational facilities consistent with § 200-36C of Part 1, Site Plan Review, of this chapter.~~~~
- ~~(5) If the board of jurisdiction determines that a cash contribution shall be made in lieu of construction of the units, a regional contribution agreement or a land contribution, 10% of the contribution due for each building shall be due prior to issuance of the building permit for the building in question and the balance shall be due prior to the issuance of 60% of the certificates of occupancy for the building in question. The contribution for each building shall be calculated by multiplying the average per square foot of floor area contribution for the development as a whole by the square footage of the building. Any land which the board of jurisdiction agrees to accept in lieu of all or part of the cash contribution shall be conveyed to the Township prior to the issuance of the first building permit.~~

G. F. Planned retail development design and bulk requirements.

- (1) District requirements.
 - (a) Minimum setback from state highways: 125 feet.
 - (b) Minimum setback from public streets: 75 feet.
 - (c) Minimum setback from private streets: 35 feet.
 - (d) Minimum setback from district boundary lines which are not within or adjacent to rights-of-way or easement areas for public or private streets: 50 feet.
 - (e) Minimum distance between the retail center pervious and impervious surfaces and on- and off-site dwelling units: 175 feet.

[Amended 9-15-2008 by Ord. No. 2008-21]
- (2) Individual lot requirements. There shall be no maximum FAR or limitation on maximum improvement coverage for individual lots, provided that the planned commercial development conforms to a site plan approved by the board of jurisdiction, lot widths, frontages, rear yards, side yards, front yards, lot dimensions, parking lot locations and building distances may be freely arranged and disposed of. A lot need not front on a street, and there are no minimum distances between individual buildings. The intent of this provision is to permit individual stores to exist as separate lots. However, each individual lot shall be subject to and may only be improved in accordance with the final site plan

approval for the planned commercial development in accordance with these district regulations. Final subdivision approval may be granted only as part of or subsequent to final site plan approval for the planned commercial development. The board of jurisdiction shall condition final subdivision approval upon submission by the applicant and approval by the board attorney of a declaration of covenants and restrictions or other suitable instrument setting forth the mechanisms by which and providing adequate assurances that security, outside cleaning and other routine external maintenance, external repainting, maintenance of the common open space, garbage collection, snow removal and other appropriate items will be provided for the planned commercial development.

- (3) Planning principles. The planned commercial development shall be designed to create a cohesive environment integrating the developed and undeveloped portions of the district, with a strong visual identity, physically linked by pedestrian connections, plazas or other amenities, and related by a single design theme. Accordingly, the design shall be guided by the following objectives:
- (a) The architectural style of the planned commercial development shall be designed to avoid a big-box commercial center appearance through facade ornamentation, building offsets and entry treatments and upgraded building material and colors.
 - (b) Buildings shall be sited to form a progression of pedestrian oriented open spaces with visual as well as pedestrian connections between such spaces.
 - (c) Open air or enclosed pedestrian spaces shall act as connectors of buildings and shall contain such amenities as changes in level, benches, water features, opportunities for entertainment and seating areas to provide a sense of place and orientation for its users. There shall be a pedestrian corridor connecting the retail facilities in the portion of the district which is not developed with the portion of the district which already contains retail facilities. Such corridor shall include the amenities set forth in this subsection.
 - (d) One or more entertainment or outdoor facilities constituting a design focus of the planned commercial development and acceptable to the board of jurisdiction shall be provided.
 - (e) At least 18% of the district acreage shall be devoted to pedestrian spaces, including but not limited to sidewalks in front of stores, and associated landscaping and water features, including but not limited to fountains, plazas, any lawn or landscaped areas, parking islands and the like (but not preserved open space) and entertainment and outdoor recreation amenities.
 - (f) At least 30% of the district shall be devoted to preserved open space, which may include walking trails, except that such trails shall not intrude upon or otherwise be proximate to the Port Mercer area and to the bermed areas and detention basins.

- (g) Canal Pointe Boulevard shall not be extended to or through any portion of the B-3 District in order to prevent disturbance to the integrity of the greenbelt and preserved open space, detention facilities, internal circulation, parking and pedestrian flows and unified site and building arrangements.
 - (h) Access for service and deliveries shall not obstruct overall site traffic patterns. All service areas shall be isolated from main public circulation drives and screened from public view.
- (4) Open space. All portions of the planned commercial development not allocated to buildings or improvements shall be allocated to deed-restricted passive recreational space, greenbelt space or other open space.
 - (5) Any one store and/or building may contain any number and combination of the uses permitted.~~{1}~~ [2]

~~{1}~~ [2] *Editor's Note: Original Subsections 22-6.5 and 22-6.6 pertaining to regulations in the B-3 Business District (Mixed use Commercial Center) were repealed in their entirety by Ord. No. 91-01, adopted 2-11-1991.*

Section 3. In the event of any conflict between the provisions and requirements of this section and the provisions and requirements of any other section of this chapter, the provisions and requirements of this section shall govern.

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 veto by the Council, whichever is applicable; upon filing with the Mercer County Planning Board; and upon publication according to law.

Introduction: March 28, 2022
 Planning Board Approval:
 Public Hearing:
 Adoption:
 Mayor Approval:
 Effective Date: