

MEETING TO BE
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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

September 12, 2022

VIA Zoom Video Communications

7:00 P.M.

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
Unified Spectrum Presentation

****225th Anniversary Celebration of West Windsor Township Proclamation - This presentation will be held out front of the Municipal Building on the North Post Road side at 6:30 p.m.**
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

2022-19 AN ORDINANCE AMENDING CHAPTER 200 LANE USE; PART 4, ZONING; ARTICLE XXVII, USE AND BULK REGULATIONS FOR RESIDENCE DISTRICTS; SECTION 200-174, OPEN SPACE CLUSTER (OSC) PLANNED DEVELOPMENT IN RR/C AND R-1/C DISTRICTS AND AMENDING CHAPTER 200 LAND USE; PART 4, ZONING; ARTICLE XXVII, USE AND BULK REGULATIONS FOR RESIDENCE DISTRICTS; SECTION 200-156B., CONDITIONAL USES; ITEM (1)

11. Consent Agenda

A. Resolutions

B. Minutes

August 8, 2022 - Business Session, as amended
August 8, 2022 - Closed Session

C. Bills & Claims

12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk

2022-R194 Authorizing Salary Increases for the Mayor and Council Members for 2022

2022-R195 Authorizing the Insertion of a Special Item of Revenue Into the 2022 Municipal Budget from the Strengthening Local Public Health Capacity 2023 Fund - \$274,735.00

2022-R196 Authorizing the Insertion of a Special Item of Revenue Into the 2022 Municipal Budget from the COVID-19 Vaccination Supplemental Funding 2022 - \$50,000.00

2022-R197 Authorizing the Insertion of a Special Item of Revenue Into the 2022 Municipal Budget from the State of New Jersey Department of Transportation, Division of Highway Safety - Safe Corridors Grant - \$24,291.00

- 2022-R198 Authorizing the Chief Financial Officer to Decrease the Purchase Order with Chas. S. Winner, Inc. dba Winner Ford by \$883.60 for Three Police Vehicles for a Total Not to Exceed Amount of \$93,270.00
- 2022-R199 Authorizing the Chief Financial Officer to Increase the Purchase Order with Emergency Accessories and Installations (ESI) by \$6,192.00 for a Total Not to Exceed Amount of \$42,428.34
- 2022-R200 Authorizing the Business Administrator to Purchase Cameras and Associated Software for the Police Division from Axon Enterprises, Inc. an Authorized State Contract Vendor - \$42,623.80
- 2022-R201 Authorizing the Mayor and Clerk to Execute a Processional Services Agreement with WSP USA, Inc. for Engineering Services for Grover's Mill Dam - \$8,478.00
- 2022-R202 Authorizing the Business Administrator to Execute Change Order #2 with Meco, Inc., for a Decrease of \$19,209.82 for Final Quantities Adjustment and Project Closeout for the Project Know as Southfield Road Roadway Reconstruction For a Total Not to Exceed of \$534,129.27
- 2022-R203 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Van Cleef Engineering for Engineering Services for the Project Known as Roadway Improvements Bear Brook Road from Meadow Road to Windsor Haven Drive - \$39,320.00
- 2022-R204 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with GeoTrek Environmental and Surveying, LLC for the next Phase of Conversion of Hard Copy Tax Maps to Digital Format - \$215,000.00
- 2022-R205 Authorizing the Chief Financial Officer to Increase the Purchase Order for GeoTrek Environmental and Surveying, LLC for Miscellaneous Engineering Projects by \$9,850.00 for a Total Not to Exceed Amount of \$12,850.00

- 2022-R206 Authorizing the Mayor and Clerk to Execute a Contract with Harshi Construction, LLC for the Project Known as Cricket Pitches at Conover Fields - \$59,900.00
- 2022-R207 Authorizing the Mayor and Clerk to Execute the Amendment to the Sewer Agreement with Heritage Village (PB19-08)
- 2022-R208 Authorizing the Mayor and Township Attorney to Execute Green Acres Project Agreement #14 with the New Jersey Department of Environmental Protection Green Acres Program which will Increase the Grant Funding Received by \$500,000.00
- 2022-R209 Supporting Resolution Opposing Assembly Bill 1294 and Senate Bill 2103 and Urging That the New Jersey Legislation Not Advance Further These Bills
- 2022-R210 Authorizing the Person to Person Transfer of Liquor License 1113-33-002-006 from Antsul-BWW VII LLC to Munson of West Windsor Wings LLC

14. Introduction of Ordinances

- 2022-18 AN ORDINANCE AMENDING CHAPTER 200 LAND USE; PART 1, SITE PLAN REVIEW; ARTICLE II, TERMINOLOGY; SECTION 200-4, DEFINITIONS, SUBSECTION B AND CREATING CHAPTER 200 LAND USE; PART 1, SITE PLAN REVIEW; ARTICLE VI, DESIGN DETAILS; SECTION 200-27.1, ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPEMNT (EVSE) AND CREATING CHAPTER 200 LAND USE; PART 1, SITE PLAN REVIEW; ARTICLE VI, DESIGN DETAILS; SECTION 200-28D.(4) ESTABLISHING THE PROCEDURES FOR THE INSTALLATION OF ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) AND MAKE-READY PARKING SPACES AND ESTABLISHING ASSOCIATED REGULATIONS AND OTHER STANDARDS; AND CHAPTER 82, FEES, ADDING SECTION 82-25 TO ESTABLISH FEES FOR PUBLIC ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE)

PUBLIC HEARING: October 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

ORDINANCE 2022-19

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 XXVII, USE AND BULK REGULATIONS FOR RESIDENCE DISTRICTS;
SECTION 200-174, OPEN SPACE CLUSTER (OSC) PLANNED DEVELOPMENT IN
RR/C AND R-1/C DISTRICTS AND AMENDING CHAPTER 200 LAND USE; PART 4,
ZONING; ARTICLE XXVII, USE AND BULK REGULATIONS FOR RESIDENCE
DISTRICTS; SECTION 200-156B., CONDITIONAL USES; ITEM (1)

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 XXVII, Use and Bulk Regulations for Residence Districts, Section 200-174, Open space cluster (OSC) planned development in RR/C and R-1/C Districts is hereby amended as follows. Added text is underlined, and text being eliminated is ~~struck through~~.

§ 200-174. Open space cluster (OSC) planned development in RR/C and R-1/C Districts.

- A. Application. ~~Open space cluster (OSC) planned development requirements may be applied in accordance with the provisions of this section to modify bulk and area requirements specified in the RR/C and R-1/C Residence Districts of this Part 4, and open space cluster planned developments shall be required where greenbelt as designated in the conservation element of the Master Plan is present on the property regardless of tract size.~~
- (1) Open space cluster (OSC) planned development requirements may be applied in accordance with the provisions of this section to modify bulk and area requirements specified in the RR/C and R-1/C Residence Districts of this Part 4.
 - (2) Open Space cluster planned developments shall be required:
 - (a) Where greenbelt as designated in the Conservation Element, Farmland Preservation Plan Element, or the Open Space and Recreation Plan Element of the Master Plan is present on the property, regardless of tract size.
 - (b) On tracts which adjoin preserved properties, regardless of tract size.
 - (c) On tracts which adjoin properties identified for preservation by the Conservation Element, Farmland Preservation Element, or the Open Space and Recreation Plan Element of the Master Plan, regardless of tract size.
 - (d) On tracts which adjoin properties containing greenbelt as designated on the Conservation Element, Farmland Preservation Element, or the Open Space and Recreation Plan Element of the Master Plan, regardless of tract size.

Zoning District Basic Permitted Lot Size	OSC Permitted Reductions in Absence of Greenbelt 3 ½ Acres	OSC Permitted Reductions in Absence of Greenbelt; Adjacent to a Preserved Lot, a Lot Identified for Preservation, or a Lot Containing Greenbelt	OSC Permitted Reductions in Absence of Greenbelt 1 ⅔ Acres	OSC Permitted Reductions in Absence of Greenbelt; Adjacent to a Preserved Lot, a Lot Identified for Preservation, or a Lot Containing Greenbelt	OSC Permitted Reductions in Presence of Greenbelt 3 ½ Acres and 1 ⅔ Acres
Lot area ¹	50,000 sq. ft.	1 ½ acres	¾ acre	1 acre	½ acre
Lot frontage (feet)	75	75	60	60	45
Lot width (feet)	150	150	125	125	100
Lot depth (feet)	150	150	125	125	100
Yards (feet)					
Front	40	40	30	30	25
Side	20	20	15	15	12
Rear	20	20	15	15	12

NOTES:

¹The lot area reduction in the absence of designated greenbelt to as low as [of] 3/4 acre or 50,000 square feet is permitted if public water is available and public sewer is available. The lot area reduction in the presence of designated greenbelt or otherwise in the absence of designated greenbelt but adjacent to a lot containing greenbelt to as low as 1/2 acre is mandatory to avoid disturbance to the greenbelt. If such lots as are created under this provision cannot meet the State of New Jersey standards for wells and septic systems, then public water and/or public sewer must be provided or, in the alternative that public water and/or public sewer is not available, such lots may be increased by quarter-acre increments to accommodate wells and septic systems.

- B. Minimum area. The minimum total area of a tract to be developed as an OSC shall be 20 acres, except that, when designated greenbelt is located on the tract or the tract is adjacent to preserved property, there shall be no minimum tract area. Such area to be so developed shall be as a single entity or under unified control.
- C. General procedures. Notwithstanding other provisions of this section, development proposals in accordance with this section shall only be approved by the board of jurisdiction if the record supports and such board makes the findings for planned developments set forth in § 200-234B and the proposal is in compliance with the applicable requirements Part 1, Site Plan Review, and Part 2, Subdivision, of this chapter. Further, nothing contained in this section shall relieve the owner or agent of the owner or the developer of an open space cluster from receiving subdivision plat approval in accordance with the provisions of Part 2, Subdivision, of this chapter.

- D. Maximum number of OSC lots. The number of individual building lots created shall be no greater than if the tract were developed as a conventional subdivision conforming to all Township zoning and subdivision standards and the lots were not reduced in size.
- E. Area reductions permitted and other requirements with respect thereto. In an OSC, single lots for single-family detached dwelling units may be reduced in size as stipulated in Table A, Open Space Cluster (OSC) Lot and Bulk Requirements. The permitted FAR and MIC shall remain the same as if the lot were not reduced in size. Further, lots may be reduced, provided that the land which would otherwise be required for residential lots but which is not required under the permitted lot area reduction provisions of this subsection shall be devoted to common open space. The FAR and MIC for clustered subdivisions in the R-20, R-20A, and R-20B Districts approved prior to December 1, 2008 shall be based on a lot area of 32,670 square feet, except that the FAR and MIC shall be based on the actual lot area if the lot is larger than 32,670 square feet. The FAR and MIC for clustered subdivisions in the R-30, R-30A, R-30B, R-30C and R-30D Districts approved prior to December 1, 2008, shall be based on a lot area of 43,560 square feet, except that the FAR and MIC shall be based on the actual lot area if the lot is larger than 43,560 square feet.

Section 2. Chapter 200 of the Code of the Township of West Windsor, Land Use, Part 4, Zoning, Article XXVII, Use and Bulk Regulations for Residence Districts, Section 200-156B., Conditional uses, Item (1) is hereby amended as follows. Added text is underlined, and text being eliminated is ~~struck through~~.

- (1) Open space cluster (OSC) development in accordance with § 200-174, ~~provided that public water is available and that public sewer is available, and further~~ provided that the record supports and the board of jurisdictions makes the findings for planned developments set forth in § 200-234B.

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:

Planning Board Approval:

Public Hearing:

Adoption:

Mayor Approval:

Effective Date:

RESOLUTION

WHEREAS, the Township Council adopted Ordinance 2022-09 on August 8, 2022 adjusting several salary ranges to include the Mayor and Township Council; and

WHEREAS, said ordinance became effective as of August 29, 2022; and

WHEREAS, the Township Council and Mayor have not had a salary increase since 2003; and

WHEREAS, the new salary for 2022 is set at \$7,500.00 for the Township Council and the Mayor's salary is set at \$26,844.00; and

WHEREAS, each year their salaries will increase similar to those employees who are not covered by Collective Bargaining pursuant to the Township's Employee Personnel Policies and Procedures Handbook.

NOW, THEREFORE, BE IT RESOLVED the Township Council of the Township of West Windsor and the Mayor salaries are set forth above for the year 2022.

Adopted: September 12, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 12th day of September 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF
REVENUE IN THE BUDGET OF THE TOWNSHIP OF WEST WINDSOR
PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any such item of revenue in the budget of the county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of any item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Windsor, in the County of Mercer, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2022 which item is now available as a revenue from monies held pursuant to the provisions of statute.

Strengthening Local Public Health Cap. 2023(LHOC) 104655 \$123,529
Strengthening Local Public Health Cap. 2023(IDPG) 104656 \$129,600
Strengthening Local Public Health Cap. 2023(OP) 104657 \$ 21,606

BE IT FURTHER RESOLVED that a like sum of \$274,735.00 and the same is hereby appropriated under the following captions:

Strengthening Local Public Health Cap.23(LHOC)10660555 \$123,529
Strengthening Local Public Health Cap.23(IDPG) 10660556 \$129,600
Strengthening Local Public Health Cap.23(OP) 10660557 \$ 21,606

Adopted: September 12, 2022

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 12th day of September 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF THE TOWNSHIP OF WEST WINDSOR PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any such item of revenue in the budget of the county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of any item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Windsor, in the County of Mercer, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2022 which item is now available as a revenue from monies held pursuant to the provisions of statute.

COVID-19 Vaccination Supplemental 2022 104658 \$50,000.00

BE IT FURTHER RESOLVED that a like sum of \$50,000.00 and the same is hereby appropriated under the following captions:

COVID-19 Vaccination Supplemental –106-60-558 \$50,000.00

Adopted: September 12, 2022

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 12th day of September 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE
IN THE BUDGET OF THE TOWNSHIP OF WEST WINDSOR PURSUANT TO N.J.S.A.
40A:4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any such item of revenue in the budget of the county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of any item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Windsor, in the County of Mercer, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2022 which item is now available as a revenue from monies held pursuant to the provisions of statute.

NJ Division Highway Safety – Safe Corridors - 104632 \$24,291.00

BE IT FURTHER RESOLVED that a like sum of \$24,291.00 and the same is hereby appropriated under the following captions:

NJ Division Highway Safety – Safe Corridors – 10660525 \$24,291.00

AND, BE IT FURTHER RESOLVED that the Township Clerk shall submit one copy of the Certification for State and Federal Grants to the Director of the Division of Local Government Services for approval.

Adopted: September 12, 2022

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 12th day of September 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, on December 20, 2021 the Township Council of the Township of West Windsor adopted Resolution 2021-R215 for the purchase of one 2022 Ford Police Interceptor Utility vehicle in the amount of \$31,184.00; and

WHEREAS, on December 20, 2021 the Township Council of the Township of West Windsor adopted Resolution 2021-R216 for the purchase of two 2022 Ford Police Interceptor Utility Vehicles from Chas. S. Winner, Inc. dba Winner Ford in the amount of \$62,969.60; and

WHEREAS, the Township has received written notification from Chas. S. Winner, Inc. dba Winner Ford that price decreases for the above two resolutions in the amount of (\$883.60) is warranted.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Chief Financial Officer is authorized to decrease the purchase orders for Chas. S. Winner, Inc., dba Winner Ford by a total of (\$883.60) for a total not to exceed amount of \$93,270.00.

Adopted: September 12, 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 12th day of September, 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, on December 20, 2021 the Township Council of the Township of West Windsor adopted Resolution 2021-R217 for the purchase of equipment for the two new detective bureau vehicles from Emergency Accessories and Installations (EAI) in the amount of \$20,931.96; and

WHEREAS, on December 20, 2021 the Township Council of the Township of West Windsor adopted Resolution 2021-R218 for the purchase of equipment for one new patrol vehicle from Emergency Accessories and Installations (EAI) in the amount of \$15,304.38; and

WHEREAS, the Township has received written notification from Emergency Accessories and Installations (EAI) that price increases for the above two resolutions in the amount of \$6,192.00 is required; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the following accounts:

Police-Acquisition of Equipment 405-2021-14-025 \$6,192.00

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of West Windsor that Chief Financial Officer is authorized to increase the purchase orders for Emergency Accessories and Installations (EAI) in the amount of \$6,192.00 for a total not to exceed of \$42,428.34.

Adopted: September 12, 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 12th day of September, 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, Axon Enterprises, Inc. is an authorized vendor under NJ State Contract #17-FLEET-00738, #T0106, and

WHEREAS, the Township Police Division and Detective Bureau need to purchase new cameras and associated software for the Interview Rooms under New Jersey State Contract #17-FLEET-00738, #T0106 in the amount of \$42,623,80; and

WHEREAS, as of August 22, 2022 the Township's total aggregate spending with Axon Enterprises, Inc. under New Jersey State Contract #17-FLEET-00738, #T0106 is as follows:

Resolution	2022-R119	Eagle Point Gun	5/9/2022	\$21,044.00
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WHEREAS, the Chief Financial Officer has certified the availability of funds in the following accounts:

405-2021-14-023	Police-Acq. Office/Computer Equip.	11/1/2022-10/31/2027	\$32,623.80
405-2022-08-025	Police-Acq. Office/Computer Equip.	11/1/2022-10/31/2027	\$10,000.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Business Administrator is are hereby authorized to purchase the above from Axon Enterprises, Inc., for a total of \$42,623.80 under New Jersey State Contract #17-FLEET-00738, T0106 for a total not to exceed amount of \$63,667.80

Adopted: September 12, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 12th day of September 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

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

WHEREAS, WSP USA, Inc. has submitted a proposal dated July 25, 2022 indicating they will provide professional engineering services for additional Hydraulic Analyses for the Grover's Mill Dam for \$8,478.00; and

WHEREAS, WSP USA, Inc. has indicated a 90-day performance period for the contract; and

WHEREAS, the Township wishes to enter into a Professional Services Agreement with WSP USA, Inc. for the aforesaid services; and

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

Traffic Safety Hazard Mitigation	405-2018-15 014	\$8,478.00
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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 WSP USA, Inc., with a 90-day performance period from the date of project initiation, for an amount not to exceed \$8,478.00.
- (2) The Agreement so authorized shall require the Provider to provide professional engineering services pursuant to its proposal dated July 25, 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 WSP USA, Inc. and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: September 12, 2022

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 12th day of September, 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, West Windsor Township awarded a contract for the Southfield Road Roadway Reconstruction to Meco, Inc. on March 22, 2021 for the contract amount of \$532,894.45 (Resolution 2021-R065) as set forth in the contract documents; and

WHEREAS, West Windsor Township approved Change Order No. 1 on January 24, 2022 in the amount of \$19,209.82 (Resolution 2022-R046) for an increase (3.60%) associated with fuel and asphalt price indexing and supplemental work needed for traffic direction costs and ADA ramps required by the NJDOT; and

WHEREAS, Change Order No. 2 for Final Quantities and Adjustments, has been submitted by the contractor and accounts for a decrease (-\$17,975.00) associated with unit price quantities and items not utilized to complete the contract work (Traffic Flagger, HDPE Underdrain Pipe, Pavement Markings, Crack Sealing/Repair, and Pavement Repair); and

WHEREAS, the total contract value after Change Order No. 2 and Final is a revised total value of \$534,129.27; and

WHEREAS, Certification of Funds for the original contract and Change Order No. 1 were received from the Chief Financial Officer and funds for said contract were available in the following line item appropriation account:

<u>Annual Road Program NJDOT Grant</u>	<u>405-2019-18 012</u>	<u>\$552,104.27</u>
Account Title	Account Number	Amount

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that Change Order No. 2 and Final is hereby approved, adjusting the construction scope and quantities of the original contract amount of \$532,894.45 to a revised contract amount of \$534,129.27.

BE IT FURTHER RESOLVED that the Township Business Administrator is hereby authorized to execute Contract Change Order No. 2 and Final.

Adopted: September 12, 2022

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 12th day of September 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, the Township of West Windsor has a need to acquire professional Land Surveying and Engineering services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and
- WHEREAS, Van Cleef Engineering has submitted a proposal dated August 25, 2022 indicating they will provide professional Engineering and Land Surveying services for the preparation of bid documents for milling and overlay of Bear Brook Road for \$39,320.00; and
- WHEREAS, Van Cleef Engineering has indicated a performance period for the professional surveying and engineering design services of ninety (90) days from the date of project initiation; and
- WHEREAS, the Township wishes to enter into a professional services agreement with Van Cleef Engineering for the aforesaid services; and
- WHEREAS, Certification of Funds has been received from the Chief Financial Officer and funds for said contract are available in the following line item appropriation account:
- | | | |
|----------------------|-----------------|-------------|
| Roadway Improvements | 405-2020-14 013 | \$39,320.00 |
|----------------------|-----------------|-------------|

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 Van Cleef Engineering, with a performance period of ninety (90) days from the date of project initiation for professional surveying and engineering design services, for an amount not to exceed \$39,320.00.
- (2) The Agreement so authorized shall require the Provider to provide professional engineering and land surveying services pursuant to its proposal dated August 25, 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 professional services agreement between the Township and Van Cleef Engineering and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: September 12, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 12th day of September 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, the Township of West Windsor has a need to acquire professional Land Surveying services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and
- WHEREAS, GeoTrek Environmental and Surveying, LLC has submitted a proposal dated August 26, 2022 indicating they will provide professional Land Surveying services for the next phase of digital tax map creation for \$215,000.00; and
- WHEREAS, GeoTrek Environmental and Surveying, LLC has provided a scope of services and schedule to complete the second portion of the creation of the digital tax maps; and
- WHEREAS, the Township wishes to enter into a professional services agreement with GeoTrek Environmental and Surveying, LLC for the aforesaid services; and
- WHEREAS, Certification of Funds has been received from the Chief Financial Officer and funds for said contract are available in the following line item appropriation account:

<u>Digital Tax Maps Conversion</u>	<u>405-2022-08 010</u>	<u>\$215,000.00</u>
Account Title	Account Number	Amount

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 GeoTrek Environmental and Surveying, LLC, with a performance period to complete the next portion of the digital tax map project, for an amount not to exceed \$215,000.00.
- (2) The Agreement so authorized shall require the Provider to provide professional surveying services pursuant to its proposal dated August 26, 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 professional services agreement between the Township and GeoTrek Environmental and Surveying, LLC and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: September 12, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 12th day of September 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor enter into a professional services agreement with GeoTrek Environmental and Surveying, LLC for professional services on a consultant basis for Professional Land Surveyor Services performed for miscellaneous engineering projects as assigned; and

WHEREAS, A Certification of Funds for the original professional services agreement was received from the Chief Financial Officer and funds for said contract were available in the following line item appropriation account:

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

WHEREAS, the scope of work authorized in the original contract remains in force and effect; and

WHEREAS, there is a need for a contract increase for services in accordance with the original professional services agreement dated September 1, 2022; and

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

<u>Engineering-Consultant Services</u>	<u>105-30-210</u>	<u>\$9,850.00</u>
Account Title	Account Number	Amount

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Chief Financial Officer is hereby authorized to increase the contract amount with GeoTrek Environmental and Surveying, LLC to a revised total contract amount of \$12,850.00.

Adopted: September 12, 2022

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 12th day of September 2022.

Gay M. Huber
 Township Clerk
 West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor has the need to construct cricket pitches at Conover Fields; and

WHEREAS, said contract was put out to public bid and the following bids were received and opened on August, 11, 2022; and

WHEREAS, the Township has received two (2) bids from the following bidders:

<u>No.</u>	<u>Company</u>	<u>Bid Value</u>
1	Harshi Construction, LLC	\$59,900.00
2	GM Builders	\$87,786.00

WHEREAS, the Township Engineering staff has reviewed the bids and determined that the lowest responsible and responsive bid was submitted by Harshi Construction, LLC; and

WHEREAS, Certification of Funds has been received from the Chief Financial Officer and funds for said contract are available in the following line item appropriation account:

<u>Account Title</u>	<u>Account Number</u>	<u>Amount</u>
Open Space Tax for Park Development	405-2013-08-003	\$59,900.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Mayor and Clerk are hereby authorized to execute said contract with Harshi Construction, LLC, Inc., 1 Wren Court, Edison, NJ 08820.

Adopted: September 12, 2022

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 12th day of September 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Planning Board approved an application for development of 258 multi-family units, including a group home, with 64 affordable housing credits. The development is known as Heritage Village at West Windsor (File No. PB19-08); and

WHEREAS, the approved development is part of the Township's Fair Share Plan approved by the court; and

WHEREAS, a condition of the approval memorializing the resolution required the Applicant to work with the Township Engineer to resolve the wastewater design, service, and funding and payment reimbursement issues that had come up during the hearing; and

WHEREAS, the Township Engineer and other staff worked with Heritage Village's representatives to formulate a sewer agreement which addressed these issues. Such agreement being approved by Township Council on August 9, 2021; and

WHEREAS, amendments to the Sewer Agreement are necessary, as is set forth in the memorandum included herewith; and

WHEREAS, it is necessary for the Township to work in cooperation with developers for developments that include affordable housing; and

WHEREAS, a substantial amount of commercial development cannot proceed without the sewer capacity upgrades; and

WHEREAS, it is in the best interest of the Township to execute the Amendment to Sewer Agreement.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Amendment to Sewer Agreement be approved and the Mayor and Township Clerk be authorized and directed to execute the same.

ADOPTED: September 12, 2022

I hereby certify that this is a true copy of a Resolution adopted by the West Windsor Township Council at their meeting held on the 12th day of September, 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES PROGRAM

ENABLING RESOLUTION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of West Windsor has previously obtained a grant of \$7,325,000.00 from the State to fund the following project(s):

#1113-97-144, West Windsor Planning Incentive; and

WHEREAS, the State and the Township of West Windsor intend to increase Green Acres funding by \$500,000.00; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with its rules, regulations and applicable statutes, and is willing to enter into an Amendment of the Agreement with the State for the above-named project;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor in the County of Mercer and State of New Jersey that:

1. The Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as West Windsor Planning Incentive #1113-97-144, and;
2. The applicant has its matching share of the project, if a match is required, in the amount of \$7,825,000.00.
3. In the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. This resolution shall take effect immediately.

CERTIFICATION

I, Gay M. Huber, West Windsor Township Clerk do hereby certify that the foregoing is a true copy of a resolution adopted by the West Windsor Township Council at their meeting held on the 12th day of September, 2022.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 12th day of September, 2022.

Gay M. Huber
Township Clerk
West Windsor Township

Resolution Opposing A-1294/S- 2103 and Urging That Such Legislation Not Advance Further

- WHEREAS, local municipal officials, because of their unique knowledge of local conditions, are in the best position to determine land use and zoning regulations; and
- WHEREAS, the New Jersey judiciary has recognized the advantages of this unique knowledge in establishing a now well- settled " presumption of validity" favoring decisions by municipal land use boards empowered to review and approve land development applications; and
- WHEREAS, this unique knowledge is used to develop a Municipal Master Plan, which is adopted with the goal of promoting the health, safety, and welfare of the public, and only after careful and thoughtful consideration by local officials with respect to its compatibility and consistency with other state, county and regional plans; and
- WHEREAS, the Municipal Master Plan guides the determination to designate land use and zoning districts, which help effectuate the careful development plans and goals outlined within the Master Plan; and
- WHEREAS, every local zoning ordinance must be substantially consistent with certain elements of the Master Plan or designed to effectuate them, unless the governing body votes by an affirmative majority to depart from them; and
- WHEREAS, the Municipal Master Plan and local zoning regulations work hand in hand in establishing a coherent local land use scheme, with the zoning ordinance, as adopted by the local governing body, providing the regulatory mechanism by which land use is actually implemented and enforced; and
- WHEREAS, this regulatory scheme results from a public, deliberative process that must be on notice and, under the Open Public Meetings Act, open to the public, who must be given an opportunity to be heard; and
- WHEREAS, the Municipal Land Use Law lays out a comprehensive system allowing for and detailing the process in which applicants for development may seek to deviate from zoning regulations through a municipal land use board' s review of a variance; and

- WHEREAS, consideration of a land use variance is made by local officials during the land use application process, which involves a public hearing at which the applicant' s experts and the board' s experts submit exhibits and present testimony under oath, and can be asked questions by the board and the public, which may also offer testimony under oath or have their own experts give testimony under oath and submit exhibits; and
- WHEREAS, through this process the board can take into account variety of circumstances and legal requirements, including the proposed deviation' s impacts on the goals of the Master Plan; and
- WHEREAS, the Local Redevelopment and Housing Law provides municipalities with substantial tools to support the redevelopment of blighted sites, including the creation of site specific redevelopment plans and numerous financial incentives; and
- WHEREAS, legislation, A-1294/ S- 2103, has been introduced that would preempt local control over land use and zoning regulations, allowing certain qualifying office park and retail center properties to be permitted, as of right, to redevelop as a mixed- use development without requiring a use variance; and
- WHEREAS, A-1294/S- 2103 requires a planning board to approve an application for such a development to convert eligible property to a mixed- used development unless the application causes" substantial detriment to the public good" and "substantially impair[s] the intent and purposes of the zone plan and zoning ordinance," a vague and unworkable standard that presents several difficulties, not least in that state requirement that preempts local law is bound to impair the intent and purposes of a municipality' s Master Plan and zoning ordinance; and
- WHEREAS, A- 1294/ S- 2103 provides no guidance on how a reviewing land use board is supposed to address and resolve conflicts between the proposed legislation and local law in meeting the negative criteria outlined in the preceding paragraph; and
- WHEREAS, A- 1294/ S- 2103 is bound to interfere with municipalities implementing alternative visions for the redevelopment of office park and retail center properties, including as industrial sites, parkland, or sites for needed infrastructure; and
- WHEREAS, A- 1294/ S- 2103 would interfere with existing and potential Redevelopment Plans that were specifically developed to address office park and retail center properties; and

WHEREAS, A- 1294/ S- 2103 does not take into account conditions such as flooding and future climate risk that may impact the suitability of a site for mixed- use development; and

WHEREAS, A- 1294/ S- 2103 deprives municipalities of a critical degree of flexibility to make informed and legally sound land use decisions; and

WHEREAS, this top- down state approach, eliminating local land use planning regulations, undermines the recognized benefits of municipal land use regulation and fails to provide the appropriate review for deviation as outlined within the Municipal Land Use Law.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of West Windsor in the County of Mercer opposes this legislation, and urges our representatives to not advance further A- 1294/ S- 2103; and

BE IT FURTHER RESOLED, that a copy of this Resolution be forwarded to Governor Murphy, Senate President Scutari, Assembly Speaker Coughlin, Senate Member Shirley K. Turner, District 15 Assembly Members Verlina Reynolds- Jackson and Anthony S. Verrelli, and the League of Municipalities.

Adopted: September 12, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 12th day of September, 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor has received a Retail Liquor License Application from Munson of West Windsor Wings LLC for a Person to Person Transfer of Liquor License 1113-33-002-006 from Antsul-BWW VII LLC; and

WHEREAS, Antsul-BWW VII LLC wants to transfer the Plenary Retail Consumption License to Munson of West Windsor Wings LLC; and

WHEREAS, the West Windsor Police Division has conducted a background investigation and approved the Person to Person Transfer of the Plenary Retail Consumption License; and

WHEREAS, in accordance with N.J.A.C. 13:2-7.4, the applicant has provided to the Township Clerk's Office the proof of publication of the notice of the application in the Times of Trenton on June 3, 2022 and June 10, 2022; and

WHEREAS, no objection to the application has been received; and

WHEREAS, the Alcoholic Beverage Retail License Clearance Certificate to transfer has been received by the Township Clerk; and

WHEREAS, pursuant to N.J.A.C. 13:2-7.7, the Township Council makes the following findings and certifies that:

1. The submitted application form is complete in all aspects;
2. The applicant is qualified to be licenses according to all standards established by Title 33 of the New Jersey State Statutes, regulations promulgated thereunder as well as pertinent local ordinances and conditions consistent with Title 33; and
3. New Jersey Division of Alcoholic Beverage Control has reviewed the application and finds no reason not to permit the transfer.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Person to Person transfer of the Plenary Retail Consumption Licenses 1113-33-002-006 to Munson of West Windsor Wings LLC, 3465 Brunswick Pike, West Windsor, New Jersey is hereby approved.

Adopted: September 12, 2022

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 12th day of September, 2022.

Gay M. Huber
Township Clerk
West Windsor Township

ORDINANCE 2022-18

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

AN ORDINANCE AMENDING CHAPTER 200 LAND USE; PART 1, SITE PLAN REVIEW; ARTICLE II, TERMINOLOGY; SECTION 200-4, DEFINITIONS, SUBSECTION B AND CREATING CHAPTER 200 LAND USE; PART 1, SITE PLAN REVIEW; ARTICLE VI, DESIGN DETAILS; SECTION 200-27.1, ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPEMNT (EVSE) AND CREATING CHAPTER 200 LAND USE; PART 1, SITE PLAN REVIEW; ARTICLE VI, DESIGN DETAILS; SECTION 200-28D.(4) ESTABLISHING THE PROCEDURES FOR THE INSTALLATION OF ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) AND MAKE-READY PARKING SPACES AND ESTABLISHING ASSOCIATED REGULATIONS AND OTHER STANDARDS; AND CHAPTER 82, FEES, ADDING SECTION 82-25 TO ESTABLISH FEES FOR PUBLIC ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE)

WHEREAS, supporting the transition to electric vehicles contributes to the Township of West Windsor's commitment to sustainability and is in the best interest of public welfare; and

WHEREAS, installation of EVSE and Make-Ready parking spaces encourages electric vehicle adoption; and

WHEREAS, the Township of West Windsor encourages increased installation of EVSE and Make Ready parking spaces; and

WHEREAS, adoption of this ordinance supports the State of New Jersey's goals to reduce air pollutants and greenhouse gas emissions from the transportation sector as outlined and supported by various programs related to NJ's 2019 Energy Master Plan, Global Warming Response Act (P.L.2007, c.112 (C.26:2C-37 et al.)), and EV Law (P.L. 2019, c. 362); and

WHEREAS, P.L. 2021, c.171, which Governor Murphy signed into law on July 9, 2021, requires EVSE and Make-Ready parking spaces be designated as a permitted accessory use in all zoning or use districts and establishes associated installation and parking requirements; and

WHEREAS, adoption of this ordinance will support the Master Plan of the Township of West Windsor adopted in concurrence with P.L. 1975 c. 291, s. 1 eff. Aug. 1, 1976, and is consistent with the goals of Land Use, Circulation, Sustainability Elements of the Master Plan; and

WHEREAS, the Township of West Windsor encourages greater ownership and use of electric vehicles, thus the Township is amending the Code of the Township of West Windsor to establish standards and regulations for the safe and efficient installation of EVSE and Make-Ready parking spaces at appropriate locations.

BE IT ORDAINED, by 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.

CABLE MANAGEMENT SYSTEM – An apparatus designed to control and organize the output cable to an electric vehicle or to the primary pad.

CERTIFICATE OF APPROVAL – The certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act and the regulations. See "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and regulations adopted pursuant thereto.

CERTIFICATE OF OCCUPANCY – The certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act and the regulations. See "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and regulations adopted pursuant thereto.

CHARGING LEVEL – The amount of voltage provided to charge an electric vehicle varies depending on the type of EVSE as follows:

- (1) Level 1 operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.
- (2) Level 2 operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit
- (3) Direct-current fast charger (DCFC) operates on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

ELECTRIC VEHICLE – Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPEMENT OR (EVSE) – The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "electric vehicle charging station."

MAKE-READY PARKING SPACE – The pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a “plug and play” basis. “Make-Ready” is synonymous with the term “charger ready,” as used in P.L.2019, c.362 (C.48:25-1 et al.).

EVSE, PRIVATE – EVSE that has restricted access to specific users (e.g., single and two-family homes, executive parking fleet parking with no access to the general public).

EVSE, PUBLICLY-ACCESSIBLE – EVSE that is publicly available (e.g., park & ride, public parking lots and garages, on-street parking, shopping center parking, non-reserved parking in multi-family parking lots, etc.).

Section 2. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 1, Site Plan Review, Article VI, Design Details, Section 200-27.1, Electric Vehicle Supply/Service Equipment (EVSE), is hereby created as follows

§ 200-27.1 Electric Vehicle Supply/Service Equipment

- A. Purpose. The purpose of this ordinance is to promote and encourage the use of electric vehicles by requiring the safe and efficient installation of EVSE and Make-Ready parking spaces through municipal parking regulations and other standards. EVSE and Make-Ready parking spaces will support the State’s transition to an electric transportation sector, reducing automobile air pollution, greenhouse gas emissions, and storm water runoff contaminants. The goals are to:
 - (1) Provide adequate and convenient EVSE and Make-Ready parking spaces to serve the needs of the traveling public.
 - (2) Provide opportunities for residents to have safe and efficient personal EVSE located at or near their place of residence.
 - (3) Provide the opportunity for non-residential uses to supply EVSE to their customers and employees.
 - (4) Create standard criteria to encourage and promote safe, efficient, and cost-effective electric vehicle charging opportunities in all zones and settings for convenience of service to those that use electric vehicles.
- B. Approvals and Permits.
 - (1) An application for development submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use

and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to C.40:55D-70.

- (2) EVSE and Make-Ready Parking Spaces installed pursuant to Section C. below in development applications that are subject to site plan approval are considered a permitted accessory use as described in 1. above.
- (3) All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.
- (4) The Zoning Officer shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of the Township of West Windsor's land use regulations.
- (5) An application for development for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to C.40:55D-1 et seq. or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the zoning officer, provided the application meets the following requirements:
 - (a) the proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;
 - (b) all other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
 - (c) the proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.
- (6) An application pursuant to Section 5. above shall be deemed complete if:
 - (a) the application, including the permit fee and all necessary documentation, is determined to be complete,
 - (b) a notice of incompleteness is not provided within 20 days after the filing of the application, or
 - (c) a one-time written correction notice is not issued by the Zoning Officer within 20 days after filing of the application detailing all deficiencies in

the application and identifying any additional information explicitly necessary to complete a review of the permit application.

- (7) EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements.
- (8) A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

C. Requirements for New Installation of EVSE and Make-Ready Parking Spaces.

- (1) As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:
 - (a) Prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces;
 - (b) Within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready parking spaces; and
 - (c) Within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready parking spaces.
 - (d) Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
 - (e) Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
- (2) As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in 1. above shall:
 - (a) Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.
 - (b) Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.

- (c) Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.
- (d) Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces.
- (e) Install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.
- (f) In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.
- (g) Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
- (h) Notwithstanding the provisions of this Section, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

D. Minimum Parking Requirements.

- (1) All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces, pursuant to Section 200-27.
- (2) A parking space prepared with EVSE or Make-Ready equipment shall count as two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.
- (3) All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.
- (4) Additional installation of EVSE and Make-Ready parking spaces above what is required in Section C. above may be encouraged, but shall not be required in development projects.

E. Standards for all new EVSE and Make-Ready Parking Spaces.

- (1) Installation.
 - (a) Installation of EVSE and Make-Ready parking spaces shall meet the Electrical Subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.

- (b) Accessible EVSE and Make-Ready parking spaces shall meet the Barrier Free Subcode of the Uniform Construction Code, N.J.A.C. 5:23-7 and any other applicable State Regulations / Guidelines regulating accessibility.
- (c) Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than 9 feet wide and 18 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.
- (d) To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- (e) Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards. In the absence of specific regulations, the accessible parking spaces, to the greatest extent possible, shall comply with the guidelines provided in the “New Jersey Department of Environmental Protection (DEP) It Pay\$ to Plug In (IPPI) EV Charging Grant Program Compliance and Best Practices Guidelines for Accessible EV Charger Installation” document.

(2) EVSE Parking:

- (a) Publicly-accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE.
- (b) A time limit on the use of publicly-accessible or privately-accessible EVSE may be established by the property owner or designee.
- (c) Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
- (d) Public Parking. Pursuant to NJSA 40:48-2, publicly-accessible EVSE parking spaces shall be monitored by the municipality’s police department and enforced in the same manner as any other parking. It shall be a violation of this Section to park or stand a non-electric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric vehicle parked or standing in a EVSE parking space or any electric vehicle parked and not connected to the EVSE shall be subject to fine and/or impoundment of

the offending vehicle as described in Chapter 1 General Provisions of this Municipal Code. All penalties for a violation of this provision shall be Court mandatory. Signage indicating the penalties for violations shall comply with Section 5. below. Any vehicle parked in such a space shall make the appropriate payment for the space and observe the time limit for the underlying parking area, if applicable.

- (e) Private Parking. The use of EVSE shall be monitored by the property owner or designee.

(3) Safety

- (a) Each publicly-accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted pavement and/or curb markings, a green painted charging pictograph symbol, and appropriate signage pursuant to Section 5. below.
- (b) Where EVSE is installed, adequate site lighting and landscaping shall be provided in accordance with the Township of West Windsor's ordinances and regulations.
- (c) Adequate EVSE protection shall be used to protect publicly-accessible EVSE. Bollard protection shall be provided as per Section 312 of the NJ Edition of the 2018 International Fire Code.
- (d) EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted, and shall contain a cord management system as described in e. below. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.
- (e) Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable or have a place to hang the connector and cord a safe and sufficient distance above the ground or pavement surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
- (f) Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

(g) Publicly-accessible EVSEs shall be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To allow for maintenance and notification, the Township of West Windsor shall require the owners/designee of publicly-accessible EVSE to provide information on the EVSE's geographic location, date of installation, equipment type and model, and owner contact information.

(4) Signs

(a) Publicly-accessible EVSE shall have posted regulatory signs, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this section, "charging" means that an electric vehicle is parked at an EVSE and is connected to the EVSE. If time limits or vehicle removal provisions are to be enforced, regulatory signs including parking restrictions shall be installed immediately adjacent to, and visible from the EVSE. For private EVSE, installation of signs and sign text is at the discretion of the owner.

(b) All regulatory signs shall comply with visibility, legibility, size, shape, color, and reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.

(c) Wayfinding or directional signs, if necessary, shall be permitted at appropriate decision points to effectively guide motorists to the EVSE parking space(s). Wayfinding or directional signage shall be placed in a manner that shall not interfere with any parking space, drive lane, or exit and shall comply with b. above.

(d) In addition to the signage described above, the following information shall be available on the EVSE or posted at or adjacent to all publicly-accessible EVSE parking spaces:

[1] Hour of operations and/or time limits if time limits or tow-away provisions are to be enforced by the municipality or owner/designee;

[2] Usage fees and parking fees, if applicable; and

[3] Contact information (telephone number) for reporting when the equipment is not operating or other problems.

(5) Usage Fees

- (a) For publicly-accessible municipal EVSE. In addition to any parking fees, the fee to use publicly-accessible municipal EVSE parking spaces shall be in accordance with Section 82-25 of the Township code.
 - (b) Private EVSE: Nothing in this ordinance shall be deemed to preclude a private owner/designee of an EVSE from collecting a fee for the use of the EVSE, in accordance with applicable State and Federal regulations. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space.
- (6) Conflicts with the State Uniform Construction Code. In the event there is a conflict in the provisions of this ordinance and the State Uniform Construction Code Act, the State Uniform Construction Code Act shall supersede the provisions of this ordinance.

Section 3. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 1, Site Plan Review, Article VI, Design Details, Section 200-28D.(4), is hereby created as follows

- (4) EVSE And Make-Ready parking modifications. A parking space prepared with EVSE or Make-Ready equipment shall count as two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.

Section 4. Chapter 82 of the Code of the Township of West Windsor (1999), Fees, Section 82-25, Publicly-Accessible Municipal Electric Vehicle Supply/Service Equipment (EVSE) is hereby created as follows

§ 82-25 Publicly-Accessible Municipal Electric Vehicle Supply/Service Equipment (EVSE)

Fees for publicly accessible municipal electric vehicle supply/service equipment (EVSE) usage shall be as follows:

- A. For each hour or part thereof where the vehicle is charging: \$1.50
- B. For each hour or part thereof where the vehicle is not charging but remains plugged in to an electric vehicle charging station: \$3.00

Section 5. 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 6. 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:

Planning Board Approval:

Public Hearing:

Adoption:

Mayor Approval:

Effective Date: