

**ORDINANCE 2017-08**

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

**AN ORDINANCE ADOPTING CERTAIN REDEVELOPMENT PLAN AMENDMENTS**

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

WHEREAS, by Resolution adopted on December 19, 2005, the governing body of the Township of West Windsor ("the Township") designated the properties consisting of Block 5, Lots 8.05, 14, 19, 20 and 78, and Block 6, Lots 6, 8- 12, 14, 16.01, 16.02, 17, 18. 27, 32, 33, 41, 44, 48, 54, 55.01, 57, 60, 64-70, 76, 78.01, 79.01, 84.01, 84.02, 84.03, and 88, and Block 6.20 Lots 20-22, 49, 73, 74, and 88, and Block 12.04, Lots 2, 10, 17, 18, 25, 26, and 27, and Block 13 Lots 1, 9-13 and Block 57, Lot 1, and Block 59, Lots 1-3, and Block 64, Lot 170.01 (collectively, the "Princeton Junction Redevelopment Area") as an area in need of redevelopment under the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.*; and

WHEREAS, by ordinance adopted on March 23, 2009, the Township adopted a redevelopment plan for the Princeton Junction Redevelopment Area entitled the "Township of West Windsor Redevelopment Plan for Princeton Junction" (the "Redevelopment Plan"); and

WHEREAS, by Resolution 2014-R265 adopted on December 22, 2014, Council determined that Block 5, Lots 62 and 76 are an area in need of redevelopment; and

WHEREAS, by Resolution 2016-R2011 adopted on October 17, 2016, Council determined that Block 10, Lots 2, 23 and what is now Lot 108.01 are an area in need of redevelopment; and

WHEREAS, two Redevelopment Plan amendments covering the two areas in need of redevelopment and entitled "Amendment to the Princeton Junction RP-7 Ellsworth Center Redevelopment Plan" and "Easterly Portion of Maneely Area Redevelopment Plan" respectively were reviewed by the Planning Board on January 25, 2017, at which time the Board voted unanimously to recommend that Council approve the two amendments.

WHEREAS, it would be in the best interest of the Township to adopt such amendments.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of West Windsor, Mercer County, NJ that the above-referenced Redevelopment Plan amendments be adopted.

This Ordinance shall be in force after action or inaction by the Mayor as provided by law or an override of mayoral veto by the Council, whichever is applicable. Publication will be according to law.

Introduction: February 13, 2017

Public Hearing: February 27, 2017

Adoption: February 27, 2017

Mayor's Approval: February 28, 2017

Effective Date: March 20, 2017

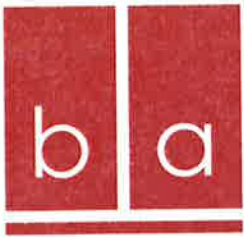
# AMENDMENT TO THE PRINCETON JUNCTION RP-7 ELLSWORTH CENTER REDEVELOPMENT PLAN

BLOCK 5 LOTS 62 AND 76

TOWNSHIP OF WEST WINDSOR  
MERCER COUNTY, NEW JERSEY

February 1, 2017





COMMUNITY PLANNING  
LAND DEVELOPMENT AND DESIGN  
LANDSCAPE ARCHITECTURE

**B U R G I S**  
ASSOCIATES, INC.

PRINCIPALS:  
*Joseph H. Burgis PP, AICP*  
*Edward Snieckus, Jr. PP, LLA, ASLA*

# AMENDMENT TO PRINCETON JUNCTION RP-7 ELLSWORTH CENTER REDEVELOPMENT PLAN


**Block 5 Lots 62 and 76**

**Township of West Windsor  
Mercer County, New Jersey**

**Prepared for the Township of West Windsor  
BA# 3197.22**

The original document was appropriately signed and sealed on February 1, 2017 in accordance with the State Board of Professional Planners.

  
\_\_\_\_\_  
Joseph H. Burgis, P.P., AICP  
Professional Planner #2450

  
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David Novak, P.P., AICP  
Professional Planner #6269



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## ***1.0 INTRODUCTION***

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Pursuant to the provisions of the Local Redevelopment and Housing Law (LRHL), the Township of West Windsor Township Council previously authorized the Township's Planning Board to undertake an investigation to determine if two lots located adjacent to the Princeton Junction Redevelopment Area, identified by municipal tax records as Block 5 Lots 62 and 76, should be included in the Princeton Junction Redevelopment Plan. The Planning Board conducted such an investigation and ultimately determined that the lots satisfied the statutory criteria and were necessary to effectively implement the Princeton Junction Redevelopment Plan. By Resolution No. 2014-R265 dated December 22, 2014, the Township Council designated Lots 62 and 76 as an "area in need of redevelopment" and reiterated the necessity of including the lots in the Princeton Junction Redevelopment Plan.

The approximately 1.6 acre "area in need of redevelopment" is located in the northerly section of the Township, to the northeast of the Princeton Junction Station. Both lots are located immediately adjacent to the Princeton Junction Redevelopment Area. They are presently developed with single family dwellings.

The Plan amendment set forth herein is designed to effectuate the "area in need of redevelopment" designation of Lots 62 and 76 by incorporating them into the Princeton Junction Redevelopment Plan. The resultant Plan is designed to rezone Lots 62 and 76 from the R-20B to the RP-7 District in order to enable the redevelopment of Lots 20, 62, and 76 as a mixed use development which is consistent with the goals Princeton Junction Redevelopment Plan.

## 2.0 LOCAL REDEVELOPMENT AND HOUSING LAW (LRHL) PROCESS

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In 1992, the State of New Jersey adopted into law legislation which revised and updated the State's local redevelopment and housing enabling legislation. The Local Redevelopment and Housing Law (LRHL) replaced a number of former redevelopment statutes, including the Redevelopment Agencies Law, Local Housing and Redevelopment Corporation Law, Blighted Area Act, and Local Housing Authorities Law, with a single comprehensive statute. The LRHL was ultimately designed by the New Jersey State Legislature to assist municipalities in the process of redevelopment and rehabilitation as evident in its preamble which states that:

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

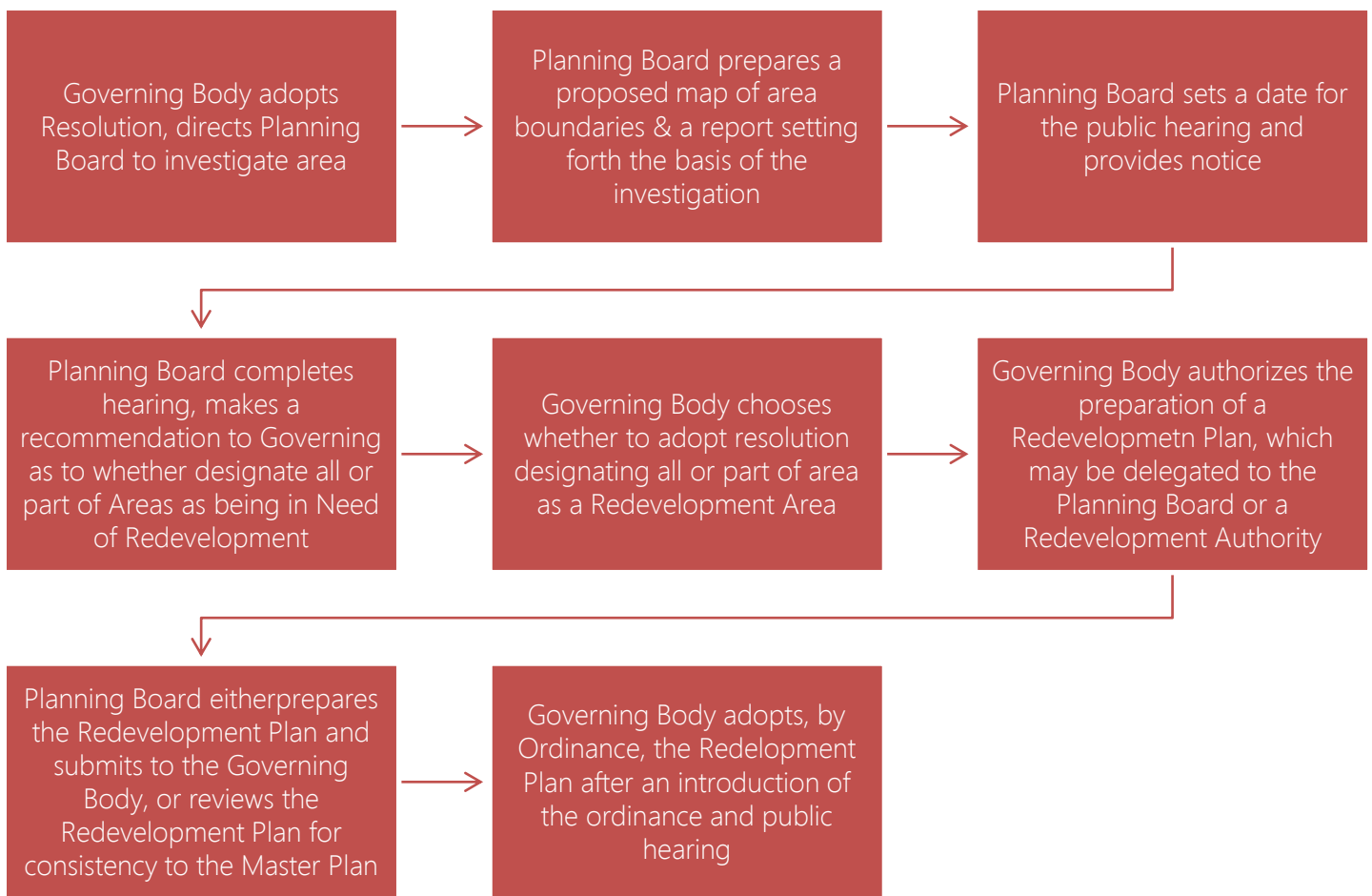
The LRHL provides the statutory authority for municipalities to designate an "area in need of redevelopment," prepare and adopt redevelopment plans, and implement redevelopment projects. Specifically, the Governing Body has the power to cause a preliminary investigation to determine if an area is in need of redevelopment, determine that an area is in need of redevelopment, adopt a redevelopment plan, and/or determine that an area is in need of rehabilitation.

When authorized by the Governing Body, the Planning Board has the power to conduct a preliminary investigation and hearing and make a recommendation as to whether an area is in need of redevelopment. The Township Council directed the Planning Board to undertake such a study for Block 5 Lots 62 and 76 by Resolution 2014-R-236, dated November 10, 2014. The Planning Board prepared its study and presented its findings and conclusion that the study area met the criteria, which enabled the Township to designate these lots as an "area in need of redevelopment" in Resolution 2014-R265, dated December 22, 2014. It was noted that the inclusion of these lots was necessary to effectively implement the Princeton Junction Redevelopment Plan

In 2013, the LRHL was amended to mandate that municipalities, at the inception of this entire process, declare whether they intend to use their powers of eminent domain as part of any redevelopment effort. This necessitates an indication, at the time of the Governing Body's initial resolution directing the Planning Board to prepare their analysis, whether the municipality will proceed to study the area within the context of a "condemnation" or "non-condemnation" redevelopment procedure. This amendment was designed to enable property owners and the public to understand at the outset if eminent domain would ever be considered as part of the process. In this instance, the Township Council chose the "non-condemnation" approach to the Area in Need of Redevelopment study.

The accompanying chart depicts the two-fold process set forth in the LRHL, namely the designation of a site as an area in need of redevelopment (Step 1), and the preparation of the plan (Step 2), which is undertaken if the Governing Body designates an 'area in need of redevelopment'. This chart identifies the process the Planning Board and Council are required to follow, beginning with the Council adoption of their resolution to direct the Planning Board to study whether the site can meet the criteria to enable it to be designated an 'area in need of redevelopment,' through to the preparation and adoption of a plan.

Through this process, the LRHL grants the municipality the power to, amongst other things, adopt a redevelopment plan, which identifies how an area will be developed; issue bonds for redevelopment; lease or convey property without having to go through the public bidding process; collect revenue from a selected developer; and grant tax exemptions and abatements.





## 3.0 STUDY AREA CONDITIONS

The 1.6-acre subject area, which is identified by municipal tax records as Block 5 Lots 62 and 76, is located in the northerly section of the Township to the northeast of the Princeton Junction Station. It is bounded by Cranbury Road to the south and an unnamed right-of-way to the east. The accompanying aerial map provides an illustrative overview of the study area and its existing land development pattern.

### 3.1 PROPERTY DESCRIPTION

Existing conditions on each of the individual lots in the study area are described below:

1. Block 5 Lot 62. Block 5 Lot 62 encompasses the northerly portion of the study area, and has an area of approximately 0.7 acres. It fronts along an unnamed right-of-way for approximately 156 feet, and is located 300 feet away from Cranbury Road. The property is presently developed with a single family dwelling which has a footprint of nearly 2,200 square feet. Access to the dwelling is provided by a driveway which connects to the unnamed right-of-way. No environmental constraints have been identified on site.
2. Block 5 Lot 76. Block 5 Lot 76 encompasses the southerly portion of the study area, and has an area of approximately 0.9 acres. It fronts along Cranbury Road to the south and an unnamed right-of-way to the east for approximately 140 feet and 300 feet, respectively. The property is presently developed with a single family dwelling which has a footprint of approximately 3,500 square feet. Access to the property is provided by a driveway which connects directly to Cranbury Road. No environmental constraints have been identified on site.



*Image 1: Bird's Eye of Subject Site, Looking North (Note: Lot Lines Approximate. Source: Bing Maps)*



Source 1: Parcel data from NGIN Warehouse, Mercer County.  
 Source 2: Street data from NDDOT.  
 Source 3: Orthophotography from NGIN Warehouse, dated 2015.

Map Title

**Aerial**

Drawn

DN

Date

01.05.17

Project No.

3197.22

Map No.

aerial

Scale:

1" = 80'

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**Legend**

--- Parcels

▭ Subject Site

**BURGIS ASSOCIATES, INC.**  
 COMMUNITY PLANNING | LAND DEVELOPMENT AND DESIGN | LANDSCAPE ARCHITECTURE  
 p: 201.6.66.1811  
 f: 201.6.66.2595  
 Westwood, New Jersey 07675



Project Title  
**Block 5 Lots 62 and 76 RP-7 Rezoning**  
 TOWNSHIP OF WEST WINDSOR | MERCER COUNTY, NEW JERSEY

### 3.3 SURROUNDING LAND USES

The study area is located near the intersection of Cranbury Road and Carlton Place, immediately adjacent to the Princeton Junction Redevelopment Area. The area surrounding the study area is characterized by a variety of land uses, which are summarized as follows:

1. North: The area directly to the north of the subject site consists of Block 5 Lots 15 and 16, both of which are owned by the NJDEP. The lots are presently undeveloped and heavily wooded. Bear Brook runs through the northerly portion of Lot 15, and wetland area exist on both lots along either side of the stream. A rail line extending from the Princeton Junction Station runs along the northwesterly borders of Lots 15 and 16. To the northwest of the rail line is the RP-10 District, which represents the northerly-most portion of the Princeton Junction Redevelopment Area.
2. East: The area to the east is predominantly developed with single-family dwellings.
3. South: The area to the south of the subject site is developed with single-family dwellings and a mix of commercial uses. These single-family dwellings are located along the easterly side of Carlton Place, and are located in the R-20B District. The RP-7 District is located along the westerly side of Carlton Place. The commercial uses in this area include a Rite Aid, two banks, and a contractor's business.
4. West: Block 5 Lot 20 is located directly to the west of the study area. It fronts along Princeton-Hightstown Road to the west for approximately 410 feet and along Cranbury Road to the south for approximately 330 feet. It has an area of approximately 3.2 acres and is characterized by a somewhat rectangular shape. Commonly known as the Ellsworth Center, the property is presently developed with an aging small shopping center consisting of four (4) separate buildings which share a common central parking lot. The four buildings consist of the following:
  - a. E-1, which has a footprint of 13,655 square feet and contains a variety of tenants including Dunkin Donuts, Domino's, Shanghai Bun, Long & Foster, and Baths Etc.
  - b. E-2, which has a footprint of approximately 3,00 square feet and contains a Subway, Sultan Wok, PJ Barber Shop, and Photoshop.
  - c. E-3, which has a footprint of approximately 1,800 square feet and contains a dry cleaners store.
  - d. E-4, which has a footprint of approximately 1,800 square feet, and is occupied by Allstate, Emilia's, and a T Van der Lee Salon.

Lot 20 was previously identified as an "area in need of redevelopment" by the Township Council and included in the Princeton Junction Redevelopment Plan.

### 3.4 EXISTING ZONING

The study area is located in the R-20B Low/Medium Density Residential District, which permits any use permitted in the R-30A District. Specific permitted uses in the district are:

1. Single-family detached dwellings;
2. Home occupations;
3. Parks, playgrounds, athletic fields, recreation and community buildings, swimming pools, and other activities of recreational character;
4. Farm and agricultural activities or use of land;
5. The sale and processing of agricultural products raised or grown on the particular farm from which it is sold;
6. Temporary buildings, temporary construction offices and temporary storage of materials;
7. Accessory uses and accessory buildings incidental to the above uses and located on the same lot;
8. Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill and community residences for persons with head injuries, and;
9. Building structures and uses owned and operated by the Township of West Windsor.

The area and bulk regulations for the R-20B District are established below:

Table 1: West Windsor R-20B District

Requirement	Standard
Min. Lot Area (square feet)	20,000
Min. Lot Width (feet)	100
Min. Front Yard (feet)	40
Min. Rear Yard (feet)	30
Min. Side Yard (feet)	20
Max. FAR (%)	13
Max. Improvement Coverage (%)	20
Max. Building Height (st/ft)	2.5/35

## 4.0 REDEVELOPMENT PLAN STATUTORY CRITERIA

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Section 40A:12A-7 of the Local Redevelopment and Housing Law (LRHL) identifies the required elements that must be incorporated into a redevelopment plan. The statute provides that the redevelopment plan is to include an outline for the planning, development, redevelopment or rehabilitation of the subject area sufficient to indicate the following:

1. The relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements;
2. Proposed land uses and building requirements in the project area;
3. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing housing market;
4. An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan; and
5. Any significant relationship of the redevelopment plan to the master plans of contiguous municipalities, County Master Plan, and State Development and Redevelopment Plan.

## ***5.0 REDEVELOPMENT PLAN: RP-7 DISTRICT REZONING***

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The Redevelopment Plan amendment is designed to incorporate Block 5 Lots 62 and 76 into the Princeton Junction Redevelopment Area. These lots, which are presently in the R-20B District, shall be rezoned and placed in the RP-7 District in order to enable Lots 20, 62, and 76 to be redeveloped in an integrated and comprehensive manner as a mixed use development. This is consistent with the goals of the Princeton Junction Redevelopment Plan.

No additional changes or modifications are proposed to the RP-7 District and its defined purpose, permitted uses, intensity, bulk, and other regulations.



Source 1: Parcel data from NGIN Warehouse, Mercer County.  
 Source 2: Street data from NDDOT.  
 Source 3: Orthophotography from NGIN Warehouse, dated 2015.

<b>Map Title</b> Lots to be Rezoned	<b>Project No.</b> 3197.22	<b>Date</b> 01.05.17	<b>Drawn</b> DN
	<b>Scale:</b> 1" = 150'		<b>Drawn No.</b> rezone
<b>Legend</b> Zoning Parcels Lots to be Rezoned to the RP-7 District			
<b>Project Title</b> Block 5 Lots 62 and 76 RP-7 Rezoning TOWNSHIP OF WEST WINDSOR   MERCER COUNTY, NEW JERSEY			
<b>Client</b> BURGIS ASSOCIATES, INC. COMMUNITY PLANNING   LAND DEVELOPMENT AND DESIGN   LANDSCAPE ARCHITECTURE 25 Westwood Avenue Westwood, New Jersey 07675 p: 201.666.1811 f: 201.666.2595			
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## 6.0 CONSISTENCY TO OTHER PLANS

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The following section identifies the relationship of this Redevelopment Plan to a number of other Plans and local, regional, and State goals and objectives in accordance with NJSA 40A:12A-1 et seq. These includes the Township's Master Plan, the Mercer County Master Plan, and the State Development and Redevelopment Plans.

### 6.1 TOWNSHIP OF WEST WINDSOR MASTER PLAN

The Township adopted a comprehensive Master Plan on June 26, 2002. It has been updated most recently on August 18, 2010. Additionally, Master Plan Reexamination Reports were completed and adopted in 2008 and in 2016. The Master Plan is a comprehensive document encompassing a number of individual plan elements.

The land use plan includes a number of generalized goals, objectives and policies. Notable amongst them are those seeking to achieve a desirable balance of nonresidential, residential, and open space uses, to provide a wide range of housing densities and housing types to meet the varied income and age level needs, the need to preserve established residential areas, and to meet affordable housing obligations.

The Master Plan Reexamination Report further refined the Plan's goals and objectives, particularly with respect to the properties near the subject area. The document specifically encourages greater community cohesiveness by creating an improved Princeton Junction Village Center, and encourages the location of higher density residential uses near access to regional roads, mass transit and other services.

The study area itself is designated as the Medium Density Residential land use category, which comprises the central and north central portions of the Township and corresponds to the R-20, R-20A, and R-20B Districts. The Plan notes that the area is, for all practical purposes, entirely developed with a predominant lot size of 20,000 square feet. The Plan further explains that the main intent of creating three zoning districts where the minimum lot size is 20,000 square feet is to "as closely as possible match the bulk requirements with the specific conditions found in the existing residential developments which were built during different periods."

### 6.2 PRINCETON JUNCTION REDEVELOPMENT PLAN

The Princeton Junction Redevelopment Plan proposes that the 350-acre area in the vicinity of the Princeton Junction train station should serve as a community focal point, within the context of a compact mixed use community center offering place making civic features, improved circulation and increased commuter parking, expanded housing options for empty nesters and young professionals, additional retail goods and services fronting on vibrant pedestrian friendly streetscapes and high quality office uses drawn by a strong sense of place.

It proposes a total of at least 800 residential units including affordable housing units. It also contemplates 207,910 square feet of retail space with the potential option to increase this in District 1 (of a total of ten districts) by an additional 67,500 square feet along with 7,500 square feet of added office space. The Plan for office development would enable up to 871,900 square feet of floor area. A 200,000 square foot hotel/conference center, previously approved as part of the Sarnoff General Development Plan, is retained as a primary use in the district.



### **6.3 MERCER COUNTY MASTER PLAN**

The Mercer County Master Plan was adopted by the Mercer County Planning Board on September 8, 2010. It consists of four elements, each of which has been independently updated on a periodic basis since 1986. The Plan outlines the following broad policies to guide the balanced growth strategy:

1. Promote appropriate location and design of new development with opportunities for transit, regional equity and preservation;
2. Promote redevelopment;
3. Promote desirable compact design that supports transit and promotes walking;
4. Promote land use patterns that limit stormwater runoff and increase green infrastructure;
5. Direct growth to transit corridors and centers;
6. Mix uses to promote walkable communities;

The Plan recognizes the existing Princeton Junction train station and identifies it as a possible transit oriented development opportunity.

### **6.4 STATE DEVELOPMENT AND REDEVELOPMENT PLAN**

The 2001 New Jersey State Development and Redevelopment Plan has a number of goals and objectives that aim to revitalize the State's cities and towns by promoting the protection, preservation, and development of a municipality's physical assets. The site is located in Planning Area 2 of the 2001 SDRP Map, wherein development and redevelopment is intended to be directed. Specifically, the intent of this Planning Area is to:

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

The Redevelopment Plan furthers several of the intents of Planning Area 2, as it is designed to enable the redevelopment of an aging strip retail center into a compact, mixed-use project.

### **7.5 DRAFT STATE STRATEGIC PLAN**

The Draft State Strategic Plan was designed to replace the State Development and Redevelopment Plan, but has not been formally adopted to date. The overall goal of the Draft Plan is to guide future growth by balancing development and conservation objectives best suited to meet the needs of New Jersey.

The Plan establishes several "Garden State Values" to help achieve the Plan's goals and reflect the appropriate balance of channeling growth toward existing infrastructure to promote development and redevelopment initiatives

while protecting critical natural resources and promoting healthy lifestyles. These values are the basis for future discretionary State investment. The following relevant values are noted:

1. Concentrate Development and Mix Uses: Promote mixed-use development in Priority Growth and Alternate Investment Areas that is compact, conserves land, offers shopping and services, and provides culturally enriching experiences within convenient walking distance of home and jobs. Build with suitable designs and densities that support walking, biking and public transportation.
2. Prioritize Redevelopment, Infill, and Existing Infrastructure: Strengthen cities, towns and neighborhoods by prioritizing redevelopment, the reuse and remediation of existing sites, and construction on infill sites that are compatible with surrounding uses. Upgrade existing infrastructure where needed, before adding new capacity. Encourage development that incorporates green design and construction principles and opportunities for clean and renewable energy and efficiency measures.
3. Create High-Quality, Livable Places: Work with communities to offer an environmentally healthy place to live, work and recreate. Enhance community character and design, especially in historic areas, by reusing significant buildings, reinforcing architectural styles, incorporating art, and providing pedestrian-friendly streetscapes. Improve community plazas, public performance spaces and parks.
4. Provide Transportation Choice and Efficient Mobility of Goods: Maintain and enhance transportation options that improve access, safety, affordability and air quality for all users: pedestrians, bicyclists, transit-users, ride-shares and drivers. Improve strategic public transportation infrastructure that supports sound economic growth. Encourage options for low emission and alternate fuel vehicles.
5. Diversify Housing Opportunities: Support construction and rehabilitation of homes that meet the needs of households of all sizes and income levels, located near jobs, transit and where services are available.

The Redevelopment Plan contained herein furthers the above noted Garden State Values.

## ***7.0 COMPLIANCE WITH LOCAL REDEVELOPMENT AND HOUSING LAW (LRHL)***

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

- A. The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, transportation and utilities, recreational and community facilities, and other improvements.
- B. The Redevelopment Plan outlines the proposed land uses and building requirements for the Redevelopment Area.
- C. The Redevelopment Plan does not require the temporary and/or permanent relocation of any residents.
- D. The Redevelopment Plan is substantially consistent with the Township of West Windsor Master Plan and the Princeton Junction Redevelopment Plan. The Plan also advances the goals and objectives of the New Jersey State Development and Redevelopment Plan and the draft State Strategic Plan.

## **8.0 GENERAL PROVISIONS**

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The following general provisions are noted:

### **8.1 ZONING MAP AND ORDINANCE**

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

### **8.2 SITE PLAN REVIEW**

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

### **8.3 AMENDMENTS TO REDEVELOPMENT PLAN**

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

### **8.4 SEVERABILITY**

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

## APPENDIX A: RESOLUTION 2014-R236

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RESOLUTION OF THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY AUTHORIZING THE PLANNING BOARD TO UNDERTAKE AN INVESTIGATION TO DETERMINE WHETHER CERTAIN PROPERTY CONSTITUTES AN AREA IN NEED OF REDEVELOPMENT

WHEREAS, by resolution adopted on December 19, 2005, the governing body of the Township of West Windsor (the "Township") designated the properties consisting of Block 5, Lots 8.05, 14, 19, 20 and 78 and Block 6, Lots 6, 8, 9, 10, 11, 12, 14, 16.01, 16.02, 17, 18, 27, 32, 33, 41, 44, 48, 54, 55.01, 57, 60, 64-70, 76, 78.01, 79.01, 84.01, 84.02, 84.03 and 88 and Block 6.20, Lots 20-22, 49, 73, 74 and 83 and Block 12.04, Lots 2, 10, 17, 18, 25, 26 and 27 and Block 13, Lots 1, 9-13 and Block 57, Lot 1 and Block 59, Lots 1-3 and Block 64, Lot 170.01 (collectively, the "Princeton Junction Redevelopment Area") as an area in need of redevelopment under the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the "Redevelopment Law"); and

WHEREAS, by ordinance adopted on March 23, 2009, the Township adopted a redevelopment plan for the Princeton Junction Redevelopment Area entitled the "Township of West Windsor Redevelopment Plan for Princeton Junction" (the "Princeton Junction Redevelopment Plan"); and

WHEREAS, the owner of several lots in Block 5, which lots are located in the Princeton Junction Redevelopment Area, proposes to redevelop such parcels; and

WHEREAS, such owner also proposes to develop the parcels designated as Block 5, Lots 62 and 76 on the Official Tax Map of the Township; and

WHEREAS, such parcels are not located in the Princeton Junction Redevelopment Area, although they are directly adjacent thereto; and

WHEREAS, the Township Council desires to authorize the Township's Planning Board to undertake an investigation to determine whether the area consisting of Block 5, Lots 62 and 76 on the Official Tax Map of the Township (collectively, the "Study Area") constitutes an area in need of redevelopment under the Redevelopment Law; and

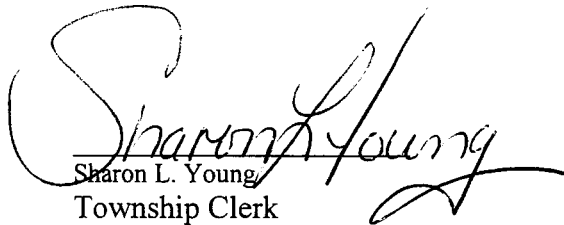
WHEREAS, if the Study Area is determined to meet the criteria for designation as an area in need of redevelopment and the Township Council so designates the Study Area, then the Township shall be authorized to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain.

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

1. The aforementioned recitals hereof are incorporated herein as though set forth at length herein.
2. The Planning Board is hereby authorized to undertake a preliminary investigation and conduct a public hearing(s) to determine whether the Study Area is in need of redevelopment under the Redevelopment Law.
3. The Planning Board, following said preliminary investigation and hearing(s), is further authorized to make a recommendation to the governing body of the Township, pursuant to N.J.S.A. 40A:12A-6, as to whether the Study Area should or should not be determined by the governing body to be an area in need of redevelopment.
4. In the event the governing body shall designate the Study Area as a redevelopment area, the Township shall be authorized to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain.
5. A copy of this Resolution shall be forwarded to the Planning Board for action consistent therewith.

Adopted: November 10, 2014

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 10<sup>th</sup> day of November, 2014.

  
Sharon L. Young  
Township Clerk  
West Windsor Township

## APPENDIX B: RESOLUTION 2014-R265

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RESOLUTION OF THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY  
OF MERCER, NEW JERSEY DESIGNATING CERTAIN PROPERTY AS AN  
AREA IN NEED OF REDEVELOPMENT

- WHEREAS, by resolution adopted on December 19, 2005, the governing body of the Township of West Windsor (the "Township") designated the properties consisting of Block 5, Lots 8.05, 14, 19, 20 and 78 and Block 6, Lots 6, 8, 9, 10, 11, 12, 14, 16.01, 16.02, 17, 18, 27, 32, 33, 41, 44, 48, 54, 55.01, 57, 60, 64-70, 76, 78.01, 79.01, 84.01, 84.02, 84.03 and 88 and Block 6.20, Lots 20-22, 49, 73, 74 and 83 and Block 12.04, Lots 2, 10, 17, 18, 25, 26 and 27 and Block 13, Lots 1, 9-13 and Block 57, Lot 1 and Block 59, Lots 1-3 and Block 64, Lot 170.01 (collectively, the "Princeton Junction Redevelopment Area") as an area in need of redevelopment under the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the "Redevelopment Law"); and
- WHEREAS, by ordinance adopted on March 23, 2009, the Township adopted a redevelopment plan for the Princeton Junction Redevelopment Area entitled the "Township of West Windsor Redevelopment Plan for Princeton Junction" (the "Princeton Junction Redevelopment Plan"); and
- WHEREAS, the owner of several lots in Block 5, which lots are located in the Princeton Junction Redevelopment Area, proposes to redevelop such parcels; and
- WHEREAS, such owner also proposes to develop the parcels designated as Block 5, Lots 62 and 76 on the Official Tax Map of the Township; and
- WHEREAS, such additional parcels are not located in the Princeton Junction Redevelopment Area, although they are directly adjacent thereto; and
- WHEREAS, the Township Council on November 10, 2014 (2014-R236) authorized the Township's Planning Board to undertake an investigation to determine whether the area consisting of Block 5, Lots 62 and 76 on the Official Tax Map of the Township (collectively, the "Study Area") constitutes an area in need of redevelopment under the Redevelopment Law; and
- WHEREAS, Maser Consulting, P.A. (the "Planning Consultant") prepared a report and map depicting the Study Area, entitled "Redevelopment Study Area Determination of Need For Block 5, Lots 62 and 76, Cranbury Road, Township of West Windsor, County of Mercer", dated September 24, 2014 (the "Report"), concerning the determination of the Study Area as an area in need of redevelopment; and

WHEREAS, on December 3, 2014, the Planning Board reviewed the Report, heard testimony from a representative of the Planning Consultant, and conducted a public hearing during which the owners of the property in the Study Area and members of the general public were given an opportunity to present their own evidence and/or to cross-examine the Planning Consultant concerning the potential designation of the Study Area as an area in need of redevelopment; and

WHEREAS, the Planning Consultant concluded in the Report and testified to the Planning Board on December 3, 2014 that the Study Area satisfies the criterion for redevelopment area designation set forth in N.J.S.A. 40A:12A-5h, and that it is necessary to include the Study Area in the Princeton Junction Redevelopment Area to effectively implement the Princeton Junction Redevelopment Plan; and

WHEREAS, after the conclusion of the public hearing described above, the Planning Board determined that the Study Area satisfies the criterion for redevelopment area designation set forth in N.J.S.A. 40A:12A-5h, and that it is necessary to include the Study Area in the Princeton Junction Redevelopment Area to effectively implement the Princeton Junction Redevelopment Plan, and determined that it would recommend that the Township Council so designate the Study Area; and

WHEREAS, the Township Council agrees with the conclusions of the Planning Board that the Study Area satisfies the criterion for redevelopment area designation set forth in N.J.S.A. 40A:12A-5h, and that it is necessary to include the Study Area in the Princeton Junction Redevelopment Area to effectively implement the Princeton Junction Redevelopment Plan, and the Township Council finds that such conclusion is supported by substantial evidence; and

WHEREAS, the Township Council now desires to designate the Study Area as an area in need of redevelopment, pursuant to N.J.S.A. 40A:12A-6.


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

1. The aforementioned recitals hereof are incorporated herein as though set forth at length herein.
2. The properties in the Study Area satisfy the criterion for redevelopment area designation set forth in N.J.S.A. 40A:12A-5h, and it is necessary to include such properties in the Princeton Junction Redevelopment Area to effectively implement the Princeton Junction Redevelopment Plan, and such properties are hereby designated as an area in need of redevelopment (the "Redevelopment Area").

3. In connection with the redevelopment of the Redevelopment Area, the Township shall be authorized to use all the powers provided under the Redevelopment Law for use in a redevelopment area other than the use of eminent domain.
4. The Township Clerk is hereby directed to forward a certified copy of this resolution to the Commissioner of the Department of Community Affairs pursuant to N.J.S.A. 40A:12A-6b(5)(c)
5. This resolution shall take effect in accordance with applicable law.

Adopted: December 22, 2014

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 22nd day of December 2014.

  
Sharon L. Young  
Township Clerk  
West Windsor Township

## APPENDIX C: DRAFT ORDINANCE

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**Draft Ordinance**

**ORDINANCE 2017-\_\_\_\_\_**

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

AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWNSHIP OF WEST  
WINDSOR TO CHANGE THE ZONING DESIGNATION OF BLOCK 5 LOTS 62 AND 76  
FROM THE R-20B DISTRICT TO THE RP-7 DISTRICT,  
CHAPTER 200,  
OF THE CODE OF THE  
TOWNSHIP OF WEST WINDSOR (1999)

- WHEREAS, a longstanding goal of the Township of West Windsor Master Plan is to provide for a wide range of housing densities and housing types to meet the varied income levels and needs of the community's residents; and
- WHEREAS, the Township also seeks to achieve a desirable balance of non-residential, residential, open space and agricultural uses; and
- WHEREAS, by Resolution adopted on December 19, 2005, the governing body of the Township of West Windsor ("The Township") designated the properties consisting of Block 5, Lots 8.05, 14, 19, 20 and 78, and Block 6, Lots 6, 8- 12, 14, 16.01, 16.02, 17, 18, 27, 32, 33, 41, 44, 48, 54, 55.01, 57, 60, 64-70, 76, 78.01, 79.01, 84.01, 84.02, 84.03, and 88, and Block 6.20 Lots 20-22, 49, 73, 74, and 88, and Block 12.04, Lots 2, 10, 17, 18, 25, 26, and 27, and Block 13 Lots 1, 9-13 and Block 57, Lot 1, and Block 59, Lots 1-3, and Block 64, Lot 170.01 (collectively, the "Princeton Junction Redevelopment Area") as an area in need of redevelopment under the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the "Redevelopment Law"); and
- WHEREAS, by ordinance adopted on March 23, 2009, the Township adopted a redevelopment plan for the Princeton Junction Redevelopment Area entitled the "Township of West Windsor Redevelopment Plan for Princeton Junction" (the "Princeton Junction Redevelopment Plan"); and
- WHEREAS, by Resolution adopted on December 22, 2014, the Township included two additional properties identified as Block 5 Lots 62 and 76 as part of the aforementioned Area in Need of Redevelopment Designation; and
- WHEREAS, a redevelopment project has subsequently been proposed to redevelop the Ellsworth Center, which is an existing strip commercial development located in the Redevelopment Designation Area at the intersection of Princeton-Hightstown and Cranbury Roads, into a mixed-use development; and

WHEREAS, the site encompasses two lots outside of the RP-7 District but part of the Area in Need of Redevelopment Designation, and;

WHEREAS, the inclusion of those two lots in the RP-7 District would further, and is consistent with, the goals of the Princeton Junction Redevelopment Plan as well as the goals of the Township's Master Plan; and

WHEREAS, the Township thereby seeks to rezone the two adjoining properties, identified as Block 5 Lots 62 and 76, to complement the fact that they are part of the Area in Need of Redevelopment designation but not yet zoned accordingly to facilitate and enhance the redevelopment of those properties currently within the redevelopment zone.

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

Section 1. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Attachment 9, Zoning Map of Township of West Windsor, is hereby amended to change the zoning designation of Block 5 Lots 62 and 76 from the R-20B District to the RP-7 District.

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