

2025

Master Plan Element Section IV

Housing Element & Fair Share Plan

Appendices Book 02

Adopted June 25, 2025

Township of West Windsor | Mercer County, New Jersey



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Appendix D: Third Round Documents

Appendix D-1: Ordinance 2013-13 re: Avalon Watch

**TOWNSHIP OF WEST WINDSOR
COUNTY OF MERCER, NEW JERSEY**

2013-13

1st Reading August 19, 2013

2nd Reading & Public Hearing September 30, 2013

Date Adopted 9/30/13

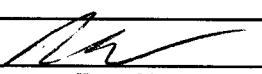
Date Effective 10/1/13

DOT APPROVAL RECEIVED _____

Date to Mayor 10/1/13

Date Signed 10/1/13

Date Resubmitted to Council _____

Approved as to Form and Legality 

Township Attorney

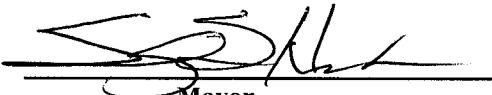
**AN ORDINANCE TO AMEND AND SUPPLEMENT
THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999)**

**AN ORDINANCE EXTENDING THE AFFORDABILITY CONTROLS FOR AN
INCLUSIONARY DEVELOPMENT KNOWN AS AVALON PRINCETON JUNCTION**

RECORD OF VOTE													
First Reading							Second Reading						
Council	Yes	No	NV	AB	Mov	Sec	Council	Yes	No	NV	AB	Mov	Sec
BOREK	X						BOREK	X					
GEEVERS	X						GEEVERS	X				X	
KHANNA	X					X	KHANNA	X					
MAHER	X						MAHER	X					
SAMONTE	X				X		SAMONTE	X					X

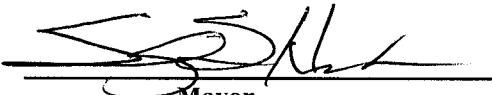
x-Indicates Vote AB-Absent NV-Not Voting Mov-Moved Sec-Seconded

Rejected



10/1/13

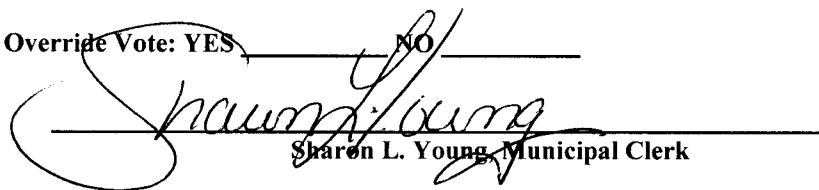
Approved



Date

Reconsidered by Council _____

Override Vote: YES _____ NO _____


Sharon L. Young, Municipal Clerk

ORDINANCE 2013-13

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

AN ORDINANCE EXTENDING THE AFFORDABILITY CONTROLS FOR AN INCLUSIONARY DEVELOPMENT KNOWN AS AVALON PRINCETON JUNCTION

WHEREAS, on August 13, 1986 the West Windsor Township Planning Board granted preliminary and final subdivision approval for a 512 unit development then known as Steward's Watch and now known as Avalon Princeton Junction. All the units were to be rental, and 103 were to be affordable units for low- and moderate-income households; and

WHEREAS, the developer prepared and the Township accepted an Affordable Housing Plan for Steward's Watch, the Director of Community Development noting in an October 21, 1988 letter to the developer that "the affordable housing program for Steward's Watch Apartments is in full compliance with all requirements for affordable housing as established by the Township of West Windsor in its zoning ordinance;" and

WHEREAS, paragraph 8.1 of the Affordable Housing Plan provides as follows:

The terms, conditions, restrictions, limitations and provisions of this Plan shall remain in full force and effect for a minimum of thirty (30) years. At the end of the twenty-fifth (25th) year after the date of the issuance of a certificate of occupancy for the Affordable Apartments, the Township Committee shall review the obligation of the Township for the continued maintenance of the Affordable Apartments and shall establish by ordinance whether or not all or a portion of the then existing Affordable Apartments shall remain as such for a period in excess of thirty (30) years. Should the Township Committee determine that it no longer requires the Affordable Apartments to satisfy its obligation under the Mt. Laurel decision, such Affordable Apartments shall be released from the terms, conditions, restrictions, limitations and provisions set forth in this Plan, beginning with the twenty-sixth (26th) year; and

WHEREAS, the language in paragraph 8.1 incorporates the Township Code provision that was in effect at the time; and

WHEREAS, Steward's Watch was planned as a multi-building complex, and a certificate of occupancy for the first building, which does not appear to contain affordable units, was issued on November 5, 1987, and a certificate of occupancy for the last building, which contains affordable units, was issued on October 14, 1988; and

WHEREAS, October 14, 1988 begins the 25 year period referenced in Section 8.1; and

WHEREAS, it would appropriate for Township Council to determine whether the affordability controls should be extended beyond that date so that the Township and owner can plan accordingly; and

WHEREAS, Township Council believes that there is a need in West Windsor Township for the affordable units in Avalon Watch and does not believe that the units are no longer necessary to satisfy the Township's *Mount Laurel* obligation.

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

1. The affordability controls on the low- and moderate-income units at Avalon Watch shall be extended indefinitely until terminated by future action of Township Council, but such termination shall not occur until after October 14, 2048.

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.

INTRODUCTION: August 19, 2013
PUBLIC HEARING: September 30, 2013
ADOPTION: September 30, 2013
MAYORAL APPROVAL: October 1, 2013
EFFECTIVE DATE: October 21, 2013



WEST WINDSOR TOWNSHIP

October 1, 2013

Ms. Donna M. Lewis, Planning Director
Mercer County Planning Division
McDade Administration Building
640 South Broad Street
P.O. Box 8068
Trenton, New Jersey 08650-0068

Dear Ms. Lewis:

The West Windsor Township Council approved the attached ordinance at their September 30, 2013 Business Session. This ordinance extends the Township's affordability controls for the development known as Avalon Princeton Junction in West Windsor Township.

If you need any additional information please feel free to contact the Clerk's Office.

Sincerely,

Gay M. Huber

Gay M. Huber
Deputy Township Clerk

Attachment

cc: Gerry Muller, Township Planning Board Attorney
John Mauder, Assistant Chief Financial Officer

LAW OFFICES
MILLER PORTER & MULLER, P.C.
Suite 540
One Palmer Square
Princeton, New Jersey 08542

William Miller (1913-1977)
Allen D. Porter
Gerald J. Muller

Telephone (609) 921-6077
Fax (609) 497-1439
e-mail address: gmuller@mpmlaw.com

August 21, 2013

Sent via regular mail, certified mail r.r.r.
and email to Michelle_Weisbord@AvalonBay.com

Ms. Michelle Weisbord
Community Manager
Avalon Princeton Junction
1000 Jamie Brook Lane
Princeton Junction, New Jersey 08550-5335

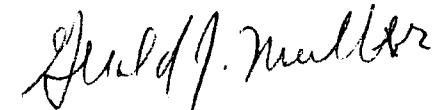
RE: Avalon Princeton Junction – Extension of Affordability Controls

Dear Ms. Weisbord:

This is a follow-up to my August 2, 2013 letter to you in which I indicated that the extension of affordability controls for Avalon Princeton Junction would be discussed at the West Windsor Township Council meeting on August 5, 2013. I enclosed a copy of the ordinance that was to be the subject of discussion.

The enclosed ordinance extending the controls was introduced by the West Windsor Township Council at its August 19, 2013 meeting and will be the subject of a public hearing before Council on September 30, 2013. The Council meeting will start at 7:00 p.m.

Sincerely,



Gerald J. Muller

GJM:dh

cc: Ms. Marlena Schmid (via email)
Mr. John Mauder (via email)
Michael W. Herbert, Esq. (via email)
Ms. Sharon Young (via email)
Mr. Frank Piazza (via email)

LAW OFFICES
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Fax (609) 497-1439
e-mail address: gmuller@mpmglaw.com

MEMORANDUM

To: Township Council
From: Gerald J. Muller
Re: Extension of Affordability Controls for Avalon Watch
Date: May 23, 2013

.....

The Avalon Watch development contains 103 low- and moderate-income rental units and is the largest component of the Township's Fair Share Plan. As is set forth in detail in the Whereas clauses of the ordinance attached hereto, the developer prepared an Affordable Housing Plan for what was then known as Steward's Watch providing for 30 year affordability control; for extension of the controls by action of the governing body “[a]t the end of the twenty-fifth (25th) year after the date of the issuance of a certificate of occupancy for the Affordable Apartments;” and for termination of the controls at the end of the twenty-fifth year if the governing body determined that they were no longer required to satisfy the Township's *Mt. Laurel* obligation. The language was taken verbatim from a provision in the Township Code, which required that the language be included in all affordable housing plans.

The language in Section 8.1 assumes that there would be one certificate of occupancy for the affordable units, but separate certificates of occupancy were issued for each building containing

affordable units. The last certificate of occupancy for a building containing affordable units was issued on October 14, 1988. Given that paragraph 8.1 refers to “Affordable Apartments” in the plural, the most appropriate reading of it is that the 25 year time period begins to run when the certificates of occupancy for all of the low- and moderate-income units have been issued, and that would be the October 14, 1988 date. While the end of the twenty-fifth is a number of months away, it would be advisable to consider whether to extend the controls at this point to avoid a contention that Council should have acted sooner than October 14, 2013.

The ordinance extends the controls indefinitely, with the governing body being given the authority to terminate them at any point after the thirtieth year, consistent with COAH’s Third Round Rules. I do not believe that Council is obligated to make a determination as to whether the units are necessary to satisfy its obligation under *Mt. Laurel*. It is sufficient to determine whether it would be in the best interest of West Windsor to continue to have the units in the Township’s inventory. I have added a language, however, stating that Council does not believe that the units are no longer necessary to satisfy the Township’s *Mt. Laurel* obligation. As the obligation is a constitutional and continuing one, I believe that Council could safely conclude that they are necessary.

LAW OFFICES
MILLER PORTER & MULLER, P.C.
Suite 540
One Palmer Square
Princeton, New Jersey 08542

William Miller (1913-1977)
Allen D. Porter
Gerald J. Muller

Telephone (609) 921-6077
Fax (609) 497-1439
e-mail address: gmuller@mpmglaw.com

August 2, 2013

Sent via email to Michelle_Weisbord@AvalonBay.com

Ms. Michelle Weisbord
Community Manager
Avalon Princeton Junction
1000 Jamie Brook Lane
Princeton Junction, New Jersey 08550-5335

RE: Avalon Princeton Junction – Extension of Affordability Controls

Dear Ms. Weisbord:

As you may know, the Affordable Housing Plan submitted for what was then known as Steward's Watch and what is now called Avalon Princeton Junction after the development was originally approved provides that the end of the 25th year after the issuance of the certificate of occupancy for the affordable units the West Windsor governing body must determine whether or not affordability controls should be extended on some or all of the affordable units. At its August 5, 2013 meeting, which starts at 7:00 p.m., the West Windsor Township Council will consider the enclosed ordinance extending the Avalon Princeton Junction affordability controls. The matter is listed as a discussion item only, and the ordinance is not up for introduction.

Sincerely,



Gerald J. Muller

GJM:rsd

Cc: Ms. Marlena Schmid (via email)
Mr. John Mauder (via email)
Steven P. Goodell, Esq. (via email)
Ms. Sharon Young (via email)
Mr. Frank Piazza (via email)

RESOLUTION IN SUPPORT OF THE ORDINANCE TO EXTEND
AFFORDABLE HOUSING CONTROLS

The West Windsor Affordable Housing Committee met on August 1, 2013 and voted unanimously to send a resolution of support for the ordinance to extend the Affordable Housing Controls on the 103 rental units at Avalon Watch.

In addition to the fact that we would need to replace these units if the controls were to expire, the Affordable Housing Committee believes that West Windsor should continue to provide these units for the benefit of 103 households. We would also like to inform the members of the West Windsor Council that there are more than 1,200 applicants on the waiting list for the Avalon Watch units. Thus, the need for them is clear.

Respectfully submitted,

Jean Jacobsohn
Chair of the West Windsor
Affordable Housing Committee

To Council Clerk - Mayor
Marlene Schmid

Cynthia Rhymers

From: John Mauder
Sent: Monday, September 30, 2013 11:18 AM
To: Marlena Schmid
Subject: FW: Avalon Princeton Junction

Hi Marlena,
See Below
Thanks
John

From: Gerald Muller [mailto:gmuller@mpmglaw.com]
Sent: Monday, September 30, 2013 10:48 AM
To: John Mauder
Subject: FW: Avalon Princeton Junction

John—As we previously discussed, I advised Ms. Pryce-Jones by telephone that I will call her on October 1 to discuss revisions to the Affordable Housing Plan Avalon has in mind, though not ones dealing with the length of the controls, if the extension is approved tonight.

From: Kathy_Pryce-Jones@avalonbay.com [mailto:Kathy_Pryce-Jones@avalonbay.com]
Sent: Thursday, September 19, 2013 10:03 AM
To: gmuller@mpmglaw.com
Cc: Jennifer_willstead@avalonbay.com; Catherine_White@avalonbay.com
Subject: Avalon Princeton Junction

Dear Mr. Muller,

I am responsible for ensuring compliance and providing support for on-site staff as needed for the AvalonBay Communities with affordable programs. Jennifer Willstead, the Portfolio Operations Director, shared the notices regarding the extension of the affordability controls at Avalon Princeton Junction with me. We understand that the recommendation to extend the control will be presented at the September 30, 2013 public hearing.

Provided that the recommendation is adopted, do you know if a revised Affordable Housing Plan will be required and if so, who will be responsible for writing these updates? There are some other items in the Affordable Housing Plan that are currently not in line with the UHAC regulations (specifically paragraph 7.3) that we would like to update while we have the opportunity.

If you are not the person that can answer this question, can you please direct me to the correct person?

Thank you in advance for your help. If you have any questions and/or if this would be easier to discuss, I can be reached at the number below.

Sincerely,

Kathy

Kathy Pryce-Jones
Affordable Housing Asset Manager

Cynthia Rhymer

To Council
Clerk - Mayor
MCOT

From: John Mauder
Sent: Monday, September 30, 2013 11:18 AM
To: Marlena Schmid
Subject: FW: Avalon Princeton Junction

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See Below
Thanks
John

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Provided that the recommendation is adopted, do you know if a revised Affordable Housing Plan will be required and if so, who will be responsible for writing these updates? There are some other items in the Affordable Housing Plan that are currently not in line with the UHAC regulations (specifically paragraph 7.3) that we would like to update while we have the opportunity.

If you are not the person that can answer this question, can you please direct me to the correct person?

Thank you in advance for your help. If you have any questions and/or if this would be easier to discuss, I can be reached at the number below.

Sincerely,

Kathy

Kathy Pryce-Jones
Affordable Housing Asset Manager

9/30/2013

NOTICE OF PENDING ORDINANCE

2013-13

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

**AN ORDINANCE EXTENDING THE AFFORDABILITY CONTROLS FOR AN
INCLUSIONARY DEVELOPMENT KNOWN AS AVALON PRINCETON JUNCTION**

The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Township of West Windsor, in the County of Mercer, State of New Jersey, held on August 19, 2013. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held in the West Windsor Township Municipal Building, in the Township on September 30, 2013 at 7:00 o'clock P.M., and during the weeks prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office to the members of the general public who shall request the same.

Sharon L. Young
Township Clerk
West Windsor Township

NOTICE

Notice is hereby given that the following ordinance entitled:

**ORDINANCE 2013-13
AN ORDINANCE TO AMEND AND SUPPLEMENT
THE CODE OF THE TOWNSHIP OF WEST WINDSOR
(1999)**

**AN ORDINANCE EXTENDING THE AFFORDABILITY
CONTROLS FOR AN INCLUSIONARY DEVELOPMENT
KNOWN AS AVALON PRINCETON JUNCTION**

was duly approved and adopted on Second and Final reading at a regular meeting of the West Windsor Township Council held on September 30, 2013 and was approved by Mayor Shing-Fu Hsueh on October 1, 2013. This Ordinance shall become effective on October 21, 2013.

Sharon L. Young, Township Clerk
West Windsor Township

PF,1X, 10/4/2013 Fee: \$16.80

AFFIDAVIT

STATE OF NEW JERSEY :
: SS

COUNTY OF MERCER :
AFFIDAVIT OF PUBLICATION

I, Sharon L. Young, Municipal Clerk of the Township of West Windsor in the County of Mercer, being duly sworn according to law, depose and say that the notice which is attached hereto is exactly as it was published on October 4, 2013 in the Princeton Packet, a semi-weekly newspaper of general circulation, printed in the State of New Jersey and having its publication office at 300 Witherspoon Street, Princeton, New Jersey.

Sharon L. Young
Township Clerk

Adv: Fee: \$16.80

PD: 10/4/2013

Public Notice ID:

Sworn and subscribed to
before me this 4 day
of October, 2013

Sharon L. Young
Notary Public of New Jersey

**GAY MARJORIE HUBER
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Feb. 6, 2016**

AFFIDAVIT

STATE OF NEW JERSEY :
: SS
COUNTY OF MERCER :
AFFIDAVIT OF PUBLICATION

I, Sharon L. Young, Municipal Clerk of the Township of West Windsor in the County of Mercer, being duly sworn according to law, depose and say that the notice which is attached hereto is exactly as it was published on August 23, 2013 in the Princeton Packet, a semi-weekly newspaper of general circulation, printed in the State of New Jersey and having its publication office at 300 Witherspoon Street, Princeton, New Jersey.

NOTICE OF PENDING ORDINANCE
2013-13
AN ORDINANCE TO AMEND AND SUPPLEMENT
THE CODE OF THE TOWNSHIP OF WEST WINDSOR
(1999)

AN ORDINANCE EXTENDING THE AFFORDABILITY
CONTROLS FOR AN INCLUSIONARY DEVELOPMENT
KNOWN AS AVALON PRINCETON JUNCTION

The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Township of West Windsor, in the County of Mercer, State of New Jersey, held on August 19, 2013. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held in the West Windsor Township Municipal Building, in the Township on September 30, 2013 at 7:00 o'clock P.M., and during the weeks prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office to the members of the general public who shall request the same.

Sharon L. Young, Township Clerk
West Windsor Township

PF, 1X, 8/23/2013 Fee: \$18.90

Adv. Fee: \$18.90
PD: 08/23/2013

Public Notice ID:

Sworn and subscribed to
before me this 23 day
of August, 2013

Gay Marjorie Huber
Notary Public of New Jersey

GAY MARJORIE HUBER
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Feb. 6, 2016

Appendix D-2: Ordinance 2019-14 re: Windsor Haven

**TOWNSHIP OF WEST WINDSOR
COUNTY OF MERCER, NEW JERSEY**

1st Reading April 16, 2019
 2nd Reading & Public Hearing April 29, 2019
 Date Adopted April 29, 2019
 Date Effective May 20, 2019
 DOT APPROVAL RECEIVED 2019-13

Date to Mayor April 29, 2019
 Date Signed April 30, 2019
 Date Resubmitted to Council
 Approved as to Form and Legality LL

Michael W. Hebert
 Township Attorney

TOWNSHIP OF WEST WINDSOR

ORDINANCE 2019-14

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

**AN ORDINANCE EXTENDING THE AFFORDABILITY CONTROLS FOR AN
INCLUSIONARY DEVELOPMENT KNOWN AS WINDSOR HAVEN**

RECORD OF VOTE													
First Reading							Second Reading						
Council	Yes	No	NV	AB	Mov	Sec	Council	Yes	No	NV	AB	Mov	Sec
GEEVERS	✓					✓	GEEVERS	✓				✓	
HAMILTON	✓						HAMILTON	✓					
MANZARI	✓				✓		MANZARI				✓		
MILLER	✓						MILLER	✓					
ZHANG	✓						ZHANG	✓					✓

x-Indicates Vote AB-Absent NV-Not Voting Mov-Moved Sec-Seconded

Rejected

Approved

Hengant Marathe
Hengant Marathe, Mayor

4/30/19

Date

Reconsidered by Council _____

Override Vote: YES _____ NO _____

Gay M. Huber
Gay M. Huber, Township Clerk

ORDINANCE 2019-14

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

AN ORDINANCE EXTENDING THE AFFORDABILITY CONTROLS FOR AN INCLUSIONARY DEVELOPMENT KNOWN AS WINDSOR HAVEN

WHEREAS, on January 27, 1988 the West Windsor Township Planning Board adopted a resolution, amended by resolution adopted on October 25, 1989, memorializing the grant of preliminary and final subdivision approval for a 186-unit development known as Windsor Haven. All the units were for sale, and 37 were affordable units for low- and moderate-income households; and

WHEREAS, the development was constructed in accordance with the approval; and

WHEREAS, an Order of Compliance and Repose entered on September 11, 1985 in an action styled *Affordable Living Corporation, Inc. v. Township of West Windsor, et al.*, Docket No. L-017812-84 PW approved certain ordinances, including Ordinance 85-1, representing the Township's affordable housing compliance plan; and

WHEREAS, Section 22-8.14e4 of Ordinance 85-1 provided a requirement that all of the low- and moderate-income units shall be required to have covenants running with the land to control the resale price for a minimum period of 30 years, with legal mechanisms in a form subject to the approval of the Township Attorney that will ensure compliance with Section 22-8.14; and

WHEREAS, Subsection e4 provided that:

At the end of 25 years from the issuance of a Certificate of Occupancy for the low and moderate income units constructed under the terms and conditions of this Ordinance, the Township Committee shall review the obligation of the Township for the continued maintenance of low and moderate income units and shall establish by Ordinance whether or not all or a portion of the then existing low and moderate units will remain as such for

a period in excess of 30 years. In the event the Township Committee shall determine that all or a portion of the said units shall not be maintained as low and moderate income units, it shall determine by Ordinance the disposition of any resale profits in excess of the profit which would be allowed had the units remained as low and moderate income units. Such excess profits shall be applied against the Township's remaining low and moderate income unit obligation at that time. Should the Township Committee determine that it no longer requires the existing units to satisfy its *Mt. Laurel* obligation, said units will be released from deed restrictions and allowed to be sold without income or recapture requirements, beginning with the twenty-six (26) year; and

WHEREAS, the above-quoted provision was in place when certificates of occupancy were issued for the 37 low- and moderate-income units when such units were sold by the developer; and

WHEREAS, each Deed from Trafalgar House Property, Inc., the developer, to the original purchasers of the low- or moderate-income units provided that the conveyance was subject to all Township ordinances relating to affordable housing, which would include the above-referenced ordinance; and

WHEREAS, by resolution adopted by Township Council attached hereto and by the Declaration with Respect to Declarations of Covenants, Conditions and Restrictions Implementing Affordable Housing Controls on State Regulated Property or Deed approved thereby, the control period for 14 of the units has been extended for 30 years from the end of the original control period and thereafter until terminated by the Township; and

WHEREAS, the instruments establishing the original control period for the 14 units provide for a control period beginning between March 1990 and September 1991. Such units are:

31 Ketley Place: Units 3, 8, 10, 12, 15

104 Wenlock Court: Units 2, 3, 6, 8, 13, 15, 17, 18, and 20; and

WHEREAS, by resolution adopted by Township Council attached hereto and by the Amended Affordable Housing Agreement; Declaration of Covenants, Conditions and Restrictions approved thereby, the control period for an additional 13 units has been extended

for 30 years from the end of the original control period and thereafter until terminated by the Township; and

WHEREAS, the instruments establishing the original control period for these 13 units provide for a control period beginning between March 1990 and September 1991. Such units are:

31 Ketley Place: Units 1, 6, 9, 11, and 13

104 Wenlock Court: Units 1, 7, 9, 11, 12, 16, 19, and 21; and

WHEREAS, an Affordable Housing Agreement; Declaration of Covenants, Condition and Restrictions for the 10 other Windsor Haven affordable units was not recorded for reasons unknown. Deeds for such units referencing the affordable housing requirements of the Township were recorded between April 1990 and March 1993. Such units are:

31 Ketley Place: Units 2, 4, 5, 7, and 14

104 Wenlock Court: Units 4, 5, 10, 14, and 22; and

WHEREAS, the period for review by Township Council as to a decision with respect to continuing maintenance of all or a portion of the ten low- and moderate-income units as affordable units in excess of 30 years falls between March 2015 (the end of the twenty-fifth year from the date of the original conveyance, which is proximate to the date of first occupancy) and March 2020 (the end of the thirtieth year from such date of original conveyance); and

WHEREAS, at the earlier of that time period the Township had filed a declaratory judgment action styled *In the Matter of West Windsor Township*, Docket No. MER-L-1561-15 in order to ascertain its fair share obligation and to secure a judgment of compliance and repose on the basis of a compliance plan adopted after such number was determined by the Superior Court, Mercer County; and

WHEREAS, the Township has now entered into a Settlement Agreement with Fair Share Housing Center establishing the Township's fair housing obligation, which Settlement Agreement was approved by the Superior Court on January 10, 2019; and

WHEREAS, the Settlement Agreement provides for the extension of the affordability controls on the Windsor Haven dwelling units and thereby addresses the Township's obligations under Section 22-8.14e4; and

WHEREAS, the Township Council believes that there is a continued need in West Windsor Township for the affordability controls for the 10 units for which the controls have not been extended to be extended beyond their 30-year affordability controls end date so that the Township can plan within the context of the Housing Element and Fair Share Plan and the owners can plan accordingly. Those units are as specified in the twelfth Whereas cause:

31 Ketley Place: Units 2, 4, 5, 7, and 14

104 Wenlock Court: Units 4, 5, 10, 14, and 22; and

WHEREAS, the Township Council does not believe that these 10 units, as well as the 27 units for which the controls have been extended, are no longer necessary to satisfy the Township's *Mount Laurel* obligation and believes that the extension of the controls is a more effective way of providing affordable housing than recouping excess profits as per Section 22-8.14e4.

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

1. The affordability controls on the aforesaid 10 low- and moderate-income units at Windsor Haven identified in the twelfth Whereas clause shall be extended for 30 years from the date the original 30-year control period ended and thereafter until terminated by the Township, with the extended control period running at least through the dates set forth below:

31 Ketley, Unit 2 (three-bedroom moderate-income); March 19, 2053
31 Ketley, Unit 4 (one-bedroom low-income); March 29, 2050
31 Ketley, Unit 5 (three-bedroom moderate-income); August 13, 2052
31 Ketley, Unit 7 (two-bedroom low-income); March 30, 2050
31 Ketley, Unit 14 (two-bedroom moderate-income); March 30, 2050
104 Wenlock, Unit 4 (one-bedroom low-income); November 27, 2050
104 Wenlock, Unit 5 (two-bedroom moderate-income); March 7, 2051
104 Wenlock, Unit 10 (three-bedroom low-income); March 19, 2051
104 Wenlock, Unit 14 (two-bedroom low-income); June 21, 2051
104 Wenlock, Unit 22 (two-bedroom moderate-income); September 21, 2050

2. Township Council confirms and re-extends the extension of the aforesaid 14 units identified in the ninth Whereas clause and the 13 units identified in the eleventh Whereas clause for which the review period started in March 2015 and ends in March 2020, on the terms set forth in the referenced resolutions and instruments.

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

INTRODUCTION: April 15, 2019

PUBLIC HEARING: April 29, 2019

ADOPTION: April 29, 2019

MAYORAL APPROVAL: April 30, 2019

EFFECTIVE DATE: May 20, 2019

AFFIDAVIT

STATE OF NEW JERSEY :
: SS
COUNTY OF MERCER :
AFFIDAVIT OF PUBLICATION

I, Gay M. Huber, Municipal Clerk of the Township of West Windsor in the County of Mercer, being duly sworn according to law, depose and say that the notice which is attached hereto is exactly as it was published on April 19, 2019 in the Princeton Packet, a semi-weekly newspaper of general circulation, printed in the State of New Jersey and having its publication office at 300 Witherspoon Street, Princeton, New Jersey.

Legal Notices

NOTICE OF PENDING ORDINANCE
ORDINANCE 2019-14
AN ORDINANCE TO AMEND AND SUPPLEMENT
THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999)
AN ORDINANCE EXTENDING THE AFFORDABILITY CONTROLS FOR AN
INCLUSIONARY DEVELOPMENT KNOWN AS WINDSOR HAVEN

The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Township of West Windsor, in the County of Mercer, State of New Jersey, held on April 15, 2019. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held in the West Windsor Township Municipal Building, in the Township on April 29, 2019 at 7:00 o'clock P.M., and during the weeks prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office to the members of the general public who shall request the same.

Gay M. Huber
Township Clerk
West Windsor Township

PP, 1x, 4/19/19 Fee: \$25.20

Gay M. Huber
Gay M. Huber, Township Clerk

Adv. Fee: \$25.20
PD 4/19/2019

Sworn and subscribed to
before me this 15th day
of May, 2019

Allison D. Sheehan
Notary Public of New Jersey

ALLISON D. SHEEHAN
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 7/10/2023

AFFIDAVIT

STATE OF NEW JERSEY :
: SS
COUNTY OF MERCER :
AFFIDAVIT OF PUBLICATION

I, Gay M. Huber, Municipal Clerk of the Township of West Windsor in the County of Mercer, being duly sworn according to law, depose and say that the notice which is attached hereto is exactly as it was published on May 3, 2019 in the Princeton Packet, a semi-weekly newspaper of general circulation, printed in the State of New Jersey and having its publication office at 300 Witherspoon Street, Princeton, New Jersey.

NOTICE
Notice is hereby given that the following ordinance entitled:
ORDINANCE 2019-14
**AN ORDINANCE TO AMEND AND SUPPLEMENT
THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1989)**
**AN ORDINANCE EXTENDING THE AFFORDABILITY CONTROLS FOR AN
INCLUSIONARY DEVELOPMENT KNOWN AS WINDSOR HAVEN**
was duly approved and adopted on Second and Final reading at a regular meeting of the West Windsor Township Council held on April 29, 2019 and was approved by Mayor Herman Merathe on April 30, 2019. This Ordinance shall become effective on May 20, 2019.

Gay M. Huber
Township Clerk
West Windsor Township
PP, 1x, 5/3/19, Fee: \$23.10

Gay M. Huber

Gay M. Huber, Township Clerk

Adv. Fee: \$23.10
PD 5/3/2019

Sworn and subscribed to
before me this 15th day
of May, 2019

Allison D. Sheehan

Notary Public of New Jersey

ALLISON D. SHEEHAN
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 7/10/2023

Appendix D-3: Windsor Haven Extension Documents



INSTR # 2020012728
D BK 6399 PG 1884 Pss 1884 - 1902 (19 pgs)
RECORDED 03/16/2020 10:03:08 AM
PAULA SOLLAMI COVELLO, COUNTY CLERK
MERCER COUNTY, NEW JERSEY



Mercer County Clerk Recording Data Page

Paula Sollami Covello Esq

Mercer County Clerk

Official Use Only - Realty Transfer Fee

Date of Document	April 15, 2019	Type of Document	Amended Affordable Housing Agreement; Declaration...
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First Party Name	Second Party Name
Various (total of 13)	West Windsor Township

Additional Parties
#1. Tonya Woodland-Myers #2. Mary Jaroszewski #3. Patricia McLaughlin and 10 additional parties

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY

Lot #1) 131.11C1001 and 12 additional lots	Block	Block 9 for each
Municipality	West Windsor Township	Consideration
Mailing Address of Grantee		

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOKING AND PAGING INFORMATION FOR ASSIGNMENTS, RELEASES,
SATISFACTIONS, DISCHARGES AND OTHER MORTGAGE AGREEMENTS ONLY

Original Book	Original Page
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DDM 19P 11 330⁴

AMENDED AFFORDABLE HOUSING AGREEMENT; DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS

WHEREAS, amendment is hereby made to thirteen instruments, each entitled Affordable Housing Agreement; A Declaration of Covenants, Conditions and Restrictions (the "Agreements"), (1) – (12) recorded in the Mercer County Clerk's Office as set forth below, and (13) being recorded:

- (1) Book 3094, Pg. 228 [Ketley 1]
- (2) Book 3826, Pg. 132 [Ketley 6]
- (3) Book 4402, Pg. 234 [Ketley 9]
- (4) Book 3594, Pg. 21 [Ketley 11]
- (5) Book 5098, Pg. 55 [Ketley 13]
- (6) Book 4054, Pg. 288 [Wenlock 1]
- (7) Book 3253, Pg. 100 [Wenlock 7]
- (8) Book 4390, Pg. 34 [Wenlock 9]
- (9) Book 5195, Pg. 52 [Wenlock 11]
- (10) Book 3692, Pg. 172 [Wenlock 12]
- (11) Book 4116, Pg. 238 [Wenlock 16]
- (12) Book 2964, Pg. 108 [Wenlock 19]
- (13) Book 3044, Pg. 211 (Deed) [Wenlock 21]

The Agreements were entered into between the Owners of the affordable units that are the subject of such Agreements and the New Jersey Department of Community Affairs, functioning as an instrumentality of Township of West Windsor, County of Mercer, State of New Jersey.

1. The properties to which certain deed restrictions are subject are set forth in Schedules 1 through 13 attached hereto.

2. Article III, Subsection B1 of the form of the Affordable Housing Agreement provides that the Control Period during which the affordability controls remains in effect is 30 years from the latter of the date a certificate of occupancy is issued or transfer of title takes place and thereafter until the first sale after 30 years from such date.

3. Article III, Section C of the Agreements further provides that the terms, restrictions and covenants of the Agreement may be extended by municipal resolution that specifies the extended time period by providing for a revised ending date.

4. On April 15, 2019, the West Windsor Township Council adopted the resolution attached hereto extending the time period during which the affordability controls will continue to remain in effect for an additional 30 years from the end date of the original control period and thereafter until terminated by the municipality.

Signed on behalf of the Township of West Windsor on this 16 day of April, 2019.

ATTEST:

West Windsor Township

Gay M. Huber

Gay M. Huber

By: Hemant Marathe

Hemant Marathe, Mayor

STATE OF NEW JERSEY)
) SS:
COUNTY OF MERCER)

I CERTIFY that on this 16th day of April 2019, before me, the subscriber, personally appeared Hemant Marathe, who I am satisfied is the person who executed the foregoing instrument as Mayor of West Windsor Township, a municipal corporation, the entity named in the foregoing instrument, and who acknowledged that he, in such capacity, being authorized to do so, executed the foregoing instrument as such entity's voluntary act and deed for the purposes therein contained by signing on behalf of West Windsor Township.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Allison D. Sheehan
Notary Public
My Commission Expires

ALLISON D. SHEEHAN
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 7/10/2023

SCHEDULE 1

1. Affordable Housing Agreement; A Declaration of Covenants, Conditions and Restrictions recorded at: Book 3094, Pg. 228.
2. Property address: 31 Ketley Place, Unit 1, Princeton, New Jersey, 08540.
3. Block and Lot as shown on the Tax Map of the Township of West Windsor, Mercer County: Block 9, Lot 131.11C1001.
4. Last owner of record: Tonya Woodland-Myers.
5. Three-bedroom low income unit.
6. Initial control period expiration: March 30, 2020
7. Extended control period date after which West Windsor Township may terminate the affordability controls: March 30, 2050.

SCHEDULE 2

1. Affordable Housing Agreement; A Declaration of Covenants, Conditions and Restrictions recorded at: Book 3826, Pg. 132.
2. Property address: 31 Ketley Place, Unit 6, West Windsor, New Jersey, 08540.
3. Block and Lot as shown on the Tax Map of the Township of West Windsor, Mercer County: Block 9, Lot 131.16C1006.
4. Last owner of record: Mary Jaroszewski.
5. Three-bedroom low income unit.
6. Initial control period expiration: November 20, 2020.
7. Extended control period date after which West Windsor Township may terminate the affordability controls: November 20, 2050.

SCHEDULE 3

1. Affordable Housing Agreement; A Declaration of Covenants, Conditions and Restrictions recorded at: Book 4402, Pg. 234.
2. Property address: 31 Ketley Place, Unit 9, Princeton, New Jersey 08540.
3. Block and Lot as shown on the Tax Map of the Township of West Windsor, Mercer County: Block 9, Lot 131.24C1009.
4. Last owner of record: Patricia McLaughlin.
5. One-bedroom moderate income unit.
6. Initial control period expiration: July 31, 2020.
7. Extended control period date after which West Windsor Township may terminate the affordability controls: July 31, 2050.

SCHEDULE 4

1. Affordable Housing Agreement; A Declaration of Covenants, Conditions and Restrictions recorded at: Book 3594, Pg. 21.
2. Property address: 31 Ketley Place, Unit 11, Princeton, New Jersey, 08540.
3. Block and Lot as shown on the Tax Map of the Township of West Windsor, Mercer County: Block 9.02, Lot 131.26C2011.
4. Last owner of record: Charles A. Contrino and Carolyn T. Contrino
5. Two-bedroom low income unit.
6. Initial control period expiration: July 17, 2020.
7. Extended control period date after which West Windsor Township may terminate the affordability controls: July 17, 2050.

SCHEDULE 5

1. Affordable Housing Agreement; A Declaration of Covenants, Conditions and Restrictions recorded at: Book 5098, Pg. 55.
2. Property address: 31 Ketley Place, Unit 13, Princeton, New Jersey, 08540.
3. Block and Lot as shown on the Tax Map of the Township of West Windsor, Mercer County: Block 9, Lot 131.4.
4. Last owner of record: Glen S. Zelnick.
5. One-bedroom low income unit.
6. Initial control period expiration: March 30, 2020.
7. Extended control period date after which West Windsor Township may terminate the affordability controls: March 30, 2050.

SCHEDULE 6

1. Affordable Housing Agreement; A Declaration of Covenants, Conditions and Restrictions recorded at: Book 4054, Pg. 288.
2. Property address: 104 Wenlock Court, Unit 1, Princeton, New Jersey, 08540.
3. Block and Lot as shown on the Tax Map of the Township of West Windsor, Mercer County: Block 9, Lot 204.11C1001.
4. Last owner of record: Daniel Puica and Marieta Puica.
5. One-bedroom moderate income unit.
6. Initial control period expiration: December 19, 2020.
7. Extended control period date after which West Windsor Township may terminate the affordability controls: December 19, 2050.

SCHEDULE 7

1. Affordable Housing Agreement; A Declaration of Covenants, Conditions and Restrictions recorded at: Book 3253, Pg. 100.
2. Property address: 401 Wenlock Court, Unit 7, West Windsor, New Jersey, 08540.
3. Block and Lot as shown on the Tax Map of the Township of West Windsor, Mercer County: Block 9, Lot 204.17C1007.
4. Last owner of record: Kristine Orr.
5. Two-bedroom low income unit.
6. Initial control period expiration: December 19, 2020.
7. Extended control period date after which West Windsor Township may terminate the affordability controls: December 19, 2050.

SCHEDULE 8

1. Affordable Housing Agreement; A Declaration of Covenants, Conditions and Restrictions recorded at: Book 4390, Pg. 34.
2. Property address: 104 Wenlock Court, Unit 9, Princeton, New Jersey, 08540.
3. Block and Lot as shown on the Tax Map of the Township of West Windsor, Mercer County: Block 9, Lot 204.21.
4. Last owner of record: Manish Anand.
5. Three-bedroom moderate income unit.
6. Initial control period expiration: September 30, 2021.
7. Extended control period date after which West Windsor Township may terminate the affordability controls: September 30, 2051.

SCHEDULE 9

1. Affordable Housing Agreement; A Declaration of Covenants, Conditions and Restrictions recorded at: Book 5195, Pg. 52.
2. Property address: 104 Wenlock Court, Unit 11, Princeton, New Jersey, 08540.
3. Block and Lot as shown on the Tax Map of the Township of West Windsor, Mercer County: Block 9, Lot 204.23C2011.
4. Last owner of record: Cynthia Simms.
5. One-bedroom low income unit.
6. Initial control period expiration: March 21, 2021.
7. Extended control period date after which West Windsor Township may terminate the affordability controls: March 21, 2051.

SCHEDULE 10

1. Affordable Housing Agreement; A Declaration of Covenants, Conditions and Restrictions recorded at: Book 3692, Pg. 172.
2. Property address: 104 Wenlock Court, Unit 12, Princeton, New Jersey, 08540.
3. Block and Lot as shown on the Tax Map of the Township of West Windsor, Mercer County: Block 9, Lot 204.24C2012.
4. Last owner of record: Carolyn McGrath.
5. One-bedroom low income unit.
6. Initial control period expiration: February 15, 2021.
7. Extended control period date after which West Windsor Township may terminate the affordability controls: February 15, 2051.

SCHEDULE 11

1. Affordable Housing Agreement; A Declaration of Covenants, Conditions and Restrictions recorded at: Book 4116, Pg. 238.
2. Property address: 104 Wenlock Court, Unit 16, Princeton, New Jersey, 08540.
3. Block and Lot as shown on the Tax Map of the Township of West Windsor, Mercer County: Block 9, Lot 204.28C2016.
4. Last owner of record: Jesus B. Garcia and Carmen Garcia
5. Two-bedroom low income unit.
6. Initial control period expiration: January 31, 2021.
7. Extended control period date after which West Windsor Township may terminate the affordability controls: January 31, 2051.

SCHEDULE 12

1. Affordable Housing Agreement; A Declaration of Covenants, Conditions and Restrictions at: Book 2964, Pg. 108.
2. Property address: 104 Wenlock Court, Unit 19, Princeton, New Jersey, 08540.
3. Block and Lot as shown on the Tax Map of the Township of West Windsor, Mercer County: Block 9, Lot 204.33C3019.
4. Last owner of record: Denise Marie Schwalb.
5. One-bedroom moderate income unit.
6. Initial control period expiration: September 18, 2020.
7. Extended control period date after which West Windsor Township may terminate the affordability controls: September 18, 2050.

SCHEDULE 13

1. Affordable Housing Agreement; A Declaration of Covenants, Conditions and Restrictions executed February 16, 1996, being recorded; Deed recorded at: Book 3044, Pg. 211.
2. Property address: 104 Wenlock Court, Unit 21, Princeton, New Jersey, 08540.
3. Block and Lot as shown on the Tax Map of the Township of West Windsor, Mercer County: Block 9, Lot 204.35C3021.
4. Last owner of record: Rick Hall.
5. Two-bedroom moderate income unit.
6. Initial control period expiration: November 9, 2020.
7. Extended control period date after which West Windsor Township may terminate the affordability controls: November 9, 2050.

RESOLUTION EXTENDING AFFORDABILITY CONTROLS PERIODS FOR 13 WINDSOR HAVEN AFFORDABLE UNITS AND AUTHORIZING RECORDING OF INSTRUMENT WITH RESPECT THERETO

WHEREAS, West Windsor Township entered into a Settlement Agreement with Fair Share Housing Center settling a certain declaratory judgment action brought by the Township styled In the Matter of West Windsor Township, County of Mercer, Docket No. MER-L-1561-15; and

WHEREAS, the Settlement Agreement provides for the extension of the affordability controls on dwelling units in a development known as Windsor Haven; and

WHEREAS, an Affordable Housing Agreement; Declaration of Covenants, Conditions and Restrictions has been recorded or executed and is being recorded for the following 13 dwelling units in the Windsor Haven development:

31 Ketley Place: Units 1, 6, 9, 11, and 13
104 Wenlock Court: Units 1, 7, 9, 11, 12, 16, 19, and 21; and

WHEREAS, such Affordable Housing Agreements provide that the terms, restrictions, and covenants set forth in such Agreements, all governing the affordability controls on such units, may be extended by municipal resolution, which shall specify the extended time period by providing for a revised controls ending date, and that, if such resolution is adopted, an Amended Affordable Housing Agreement shall be recorded so providing; and

WHEREAS, the Amended Affordable Housing Agreement; Declaration of Covenants, Conditions and Restrictions sets forth such extensions, to continue for a minimum period of 30 years from the end of the original control period and thereafter until released by West Windsor Township; and

WHEREAS, it would be in the best interest of West Windsor Township to establish the controls as aforesaid.

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 control period for the 13 identified units are extended for a minimum of 30 years from the end date of the original control period and thereafter until terminated by the Township as more specifically set forth in the Amended Affordable Housing Agreement; Declaration of Covenants, Conditions and Restrictions.

2. The Affordable Housing Attorney is hereby authorized and directed to record the Amended Affordable Housing Agreement; Declaration of Covenants, Conditions and Restrictions attached hereto.

Adopted: April 15, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 15th day of April 2019.

Gay M. Huber
Gay M. Huber
Township Clerk
West Windsor Township



INSTR # 2020012368
D BK 6399 PG 1339 Pgs 1339 - 1357; (19 pgs)
RECORDED 03/11/2020 03:41:38 PM
PAULA SOLLAMI COVELLO, COUNTY CLERK
MERCER COUNTY, NEW JERSEY



Mercer County Clerk Recording Data Page

Paula Sollami Covello Esq

Mercer County Clerk

Official Use Only – Realty Transfer Fee

Date of Document	April 15, 2019	Type of Document	Declaration with Respect to Deed or Declarations of..
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First Party Name	Second Party Name
Various (total of 14)	West Windsor Township

Additional Parties			
#1. Robert G. Wrazen	#2. Lauren Witrock	#3. Melissa Free	#4. Andrey Prokoshin and 10 additional parties

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY

Lot #1) 131.13C1003 and 13 additional lots	Block	Block 9 for each of the 14 Deeds
Municipality	West Windsor Township	Consideration
Mailing Address of Grantee		

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOKING AND PAGING INFORMATION FOR ASSIGNMENTS, RELEASES,
SATISFACTIONS, DISCHARGES AND OTHER MORTGAGE AGREEMENTS ONLY

Original Book	Original Page
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1DM 197 811.00
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DECLARATION WITH RESPECT TO DEED OR DECLARATIONS OF COVENANTS,
CONDITIONS AND RESTRICTIONS IMPLEMENTING AFFORDABLE HOUSING
CONTROLS ON STATE REGULATED PROPERTY

WHEREAS, this Declaration is hereby made with respect to 14 instruments, each entitled a Deed or Declaration of Covenants, Conditions and Restrictions Implementing Affordable Housing Controls on State Regulated Property (“the Deed Restrictions”), recorded in the Mercer County Clerk’s Office at:

- (1) Book 6161, Pg. 305. [Ketley 3]
- (2) Book 6362, Pg. 386. [Ketley 8]
- (3) Book 6215, Pg. 1385. [Ketley 10]
- (4) Book 6146, Pg. 1860. [Ketley 12]
- (5) Book 05347, Pg. 0035. [Ketley 15]
- (6) Book 6204, Pg. 1056. [Wenlock 2]
- (7) Book 6308, Pg. 1485 and Book 6085, Pg. 843. [Wenlock 3]
- (8) Book 6092, Pg. 247. [Wenlock 6]
- (9) Book 5191, Pg. 278. [Wenlock 8]
- (10) Book 5218, Pg. 232. [Wenlock 13]
- (11) Book 6338, Pg. 963. [Wenlock 15]
- (12) Book 6103, Pg. 568. [Wenlock 17]
- (13) Book 6045, Pg. 684. [Wenlock 18]
- (14) Book 6285, Pg. 778. [Wenlock 20]

1. The Properties to which certain Deed Restrictions are subject are set forth in Schedules 1 through 14 attached hereto.

2. Such Deed Restrictions provide that the sale and use of the Properties will be governed by the Uniform Housing Affordability Controls, *N.J.A.C. 5:80-26.1, et seq.* (“the Regulations”). They further provide that the Control Period, as defined therein, during which the affordability controls set forth in such Deed Restrictions remain in effect will terminate upon the expiration of the Control Period as provided in the Regulations.

3. The Regulations provide that the Control Period shall terminate upon the termination of them by the municipality, but that they must remain in effect for at least 30 years.

4. Such Deed Restrictions provide that the affordable units that are the subject of the instruments be subject to a 30-year Control Period, running from a specified commencement date.

5. Such Deed Restrictions set forth detailed provisions with respect to the authority of the Township of West Windsor, through its Administrative Agent, to implement the affordability controls so as to ensure that the units that is the subject of the Deed Restrictions remain affordable.

6. The 30-year periods specified in such Deed Restrictions, in accordance with the Uniform Housing Affordability Controls, are the minimum 30-year period. In accordance with the Resolution attached hereto, the Control Period continues for 30 additional years from the end of the initial Control Period specified in each Deed Restriction or its predecessor Deed Restriction, which is 30 years from the date set forth therein, and thereafter until terminated by the municipality.

7. By the Resolution attached hereto, the Township Council of the Township of West Windsor has determined and affirmed that it will not release the affordability controls until at least thirty years from the date of the extended control period set forth in each schedule attached hereto.

Signed on behalf of the Township of West Windsor on the 15 day of April, 2019.

ATTEST:

West Windsor Township

Gay M. Huber

Gay M. Huber

By: Hemant Marathe

Hemant Marathe, Mayor

STATE OF NEW JERSEY)
) SS:
COUNTY OF MERCER)

I CERTIFY that on this 16th day of April 2019, before me, the subscriber, personally appeared Hemant Marathe, who I am satisfied is the person who executed the foregoing instrument as Mayor of West Windsor Township, a municipal corporation, the entity named in the foregoing instrument, and who acknowledged that he, in such capacity, being authorized to do so, executed the foregoing instrument as such entity's voluntary act and deed for the purposes therein contained by signing on behalf of West Windsor Township.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Allison D. Sheehan
Notary Public
My Commission Expires

ALLISON D. SHEEHAN
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 7/10/2023

SCHEDULE 1

1. Declaration of Covenants, Conditions and Restrictions Implementing Affordable Housing Controls On State Regulated Property recorded at: Book 6161, Pg. 305.
2. Property address: 31 Ketley Place, Unit 3, West Windsor, NJ 08540.
3. Block and Lot as shown on the Tax Map of the Township of West Windsor, Mercer County: Block 9, Lot 131.13C1003.
4. Last owner of record: Robert G. Wrazen.
5. One-bedroom low income unit.
6. Initial control period expiration: March 30, 2020.
7. Extended control period date, after which West Windsor Township may terminate the affordability controls: March 30, 2050.

SCHEDULE 2

1. Declaration of Covenants, Conditions and Restrictions Implementing Affordable Housing Controls On State Regulated Property recorded at: Book 6362, Pg. 386.
2. Property address: 31 Ketley Place, Unit 8, West Windsor, NJ 08540.
3. Block and Lot as shown on the Tax Map of the Township of West Windsor, Mercer County: Block 9, Lot 131.23C-2008.
4. Last owner of record: Lauren Witrock.
5. One-bedroom moderate income unit.
6. Initial control period expiration: May 20, 2020.
7. Extended control period date, after which West Windsor Township may terminate the affordability controls: May 20, 2050.

SCHEDULE 3

1. Declaration of Covenants, Conditions and Restrictions Implementing Affordable Housing Controls On State Regulated Property recorded at: Book 6215, Pg. 1385.
2. Property address: 31 Ketley Place, Unit 10, West Windsor, New Jersey 08550.
3. Block and Lot as shown on the Tax Map of the Township of West Windsor, Mercer County: Block 9, Lot 131.25C2010.
4. Last owner of record: Melissa Free.
5. Two-bedroom moderate income unit.
6. Initial control period expiration: September 30, 2021.
7. Extended control period date, after which West Windsor Township may terminate the affordability controls: September 30, 2051.

SCHEDULE 4

1. Declaration of Covenants, Conditions and Restrictions Implementing Affordable Housing Controls On State Regulated Property recorded at: Book 6146, Pg. 1860.
2. Property address: 31 Ketley Place, Unit 12, West Windsor, New Jersey.
3. Block and Lot as shown on the Tax Map of the Township of West Windsor, Mercer County: Block 9, Lot 131.33C2012.
4. Last owner of record: Andrey Prokoshin.
5. One-bedroom low income unit.
6. Initial control period expiration: March 29, 2020.
7. Extended control period date, after which West Windsor Township may terminate the affordability controls: March 29, 2050.

SCHEDULE 5

1. Declaration of Covenants, Conditions and Restrictions Implementing Affordable Housing Controls On State Regulated Property recorded at: Book 05347, Pg. 0035.
2. Property address: 31 Ketley Place, Unit 15, West Windsor, New Jersey.
3. Block and Lot as shown on the Tax Map of the Township of West Windsor, Mercer County: Block 9, Lot 131.36C2015.
4. Last owner of record: Alexandra Popescu.
5. Two-bedroom moderate income unit.
6. Initial control period expiration: May 31, 2020.
7. Extended control period date, after which West Windsor Township may terminate the affordability controls: May 31, 2050.

SCHEDULE 6

1. Declaration of Covenants, Conditions and Restrictions Implementing Affordable Housing Controls On State Regulated Property recorded at: Book 6204, Pg. 1056.
2. Property address: 104 Wenlock Court, Unit 2, West Windsor, New Jersey 08540.
3. Block and Lot as shown on the Tax Map of the Township of West Windsor, Mercer County: Block 9, Lot 204.12C1002.
4. Last owner of record: Hany Sadala.
5. Three-bedroom low income unit.
6. Initial control period expiration: September 21, 2020.
7. Extended control period date, after which West Windsor Township may terminate the affordability controls: September 21, 2050.

SCHEDULE 7

1. Declaration of Covenants, Conditions and Restrictions Implementing Affordable Housing Controls On State Regulated Property recorded at: Book 6085, Pg. 842 and Deed To State Regulated Property Subject to Restrictive Covenant Limiting Conveyance and Mortgage Debt recorded at Book 6308, Pg. 1484.
2. Property address: 104 Wenlock Court, Unit 3, West Windsor, New Jersey 08550.
3. Block and Lot as shown on the Tax Map of the Township of West Windsor, Mercer County: Block 9, Lot 204.13C1003.
4. Last owners of record: Merry Martin.
5. One-bedroom low income unit.
6. Initial control period expiration: March 29, 2021.
7. Extended control period date, after which West Windsor Township may terminate the affordability controls: March 29, 2051.

SCHEDULE 8

1. Declaration of Covenants, Conditions and Restrictions Implementing Affordable Housing Controls On State Regulated Property recorded at: Book 6092, Pg. 247.
2. Property address: 104 Wenlock Court, Unit 6, West Windsor, New Jersey 08540.
3. Block and Lot as shown on the Tax Map of the Township of West Windsor, Mercer County: Block 9, Lot 204.16C1006.
4. Last owner of record: Glenn I. Garland, Jr.
5. Two-bedroom moderate income unit.
6. Initial control period expiration: March 28, 2021.
7. Extended control period date, after which West Windsor Township may terminate the affordability controls: March 28, 2051.

SCHEDULE 9

1. Deed To State Regulated Property Subject to Restrictive Covenant Limiting Conveyance and Mortgage Debt recorded at: Book 5191, Pg. 278.
2. Property address: 104 Wenlock Court, Unit 8, West Windsor, New Jersey 08540.
3. Block and Lot as shown on the Tax Map of the Township of West Windsor, Mercer County: Block 9, Lot 204.18C1008.
4. Last owner of record: Justine Rudolph.
5. Two-bedroom moderate income unit.
6. Initial control period expiration: September 27, 2021.
7. Extended control period date, after which West Windsor Township may terminate the affordability controls: September 27, 2051.

SCHEDULE 10

1. Declaration of Covenants, Conditions and Restrictions Implementing Affordable Housing Controls On State Regulated Property recorded at: Book 5218, Pg. 232.
2. Property address: 104 Wenlock Court, Unit 13, West Windsor, New Jersey 08540.
3. Block and Lot as shown on the Tax Map of the Township of West Windsor, Mercer County: Block 9, Lot 204.25C2013.
4. Last owner of record: Simone Lawrence.
5. Two-bedroom moderate income unit.
6. Initial control period expiration: July 17, 2020.
7. Extended control period date, after which West Windsor Township may terminate the affordability controls: July 17, 2050.

SCHEDULE 11

1. Declaration of Covenants, Conditions and Restrictions Implementing Affordable Housing Controls On State Regulated Property recorded at: Book 6338, Pg. 963.
2. Property address: 104 Wenlock Court, Unit 15, West Windsor, New Jersey.
3. Block and Lot as shown on the Tax Map of the Township of West Windsor, Mercer County: Block 9, Lot 204.27C2015.
4. Last owner of record: Jyoti J. Patel.
5. Two-bedroom moderate income unit.
6. Initial control period expiration: October 26, 2020.
7. Extended control period date, after which West Windsor Township may terminate the affordability controls: October 26, 2050.

SCHEDULE 12

1. Declaration of Covenants, Conditions and Restrictions Implementing Affordable Housing Controls On State Regulated Property recorded at: Book 6103, Pg. 568.
2. Property address: 104 Wenlock Court, Unit 17, West Windsor, New Jersey 08540.
3. Block and Lot as shown on the Tax Map of the Township of West Windsor, Mercer County: Block 9, Lot 204.31C3017.
4. Last owner of record: Gita Kalaria.
5. Two-bedroom low income unit.
6. Initial control period expiration: September 21, 2020.
7. Extended control period date, after which West Windsor Township may terminate the affordability controls: September 21, 2050.

SCHEDULE 13

1. Declaration of Covenants, Conditions and Restrictions Implementing Affordable Housing Controls On State Regulated Property recorded at: Book 6045, Pg. 684.
2. Property address: 104 Wenlock Court, Unit 18, West Windsor, New Jersey 08540.
3. Block and Lot as shown on the Tax Map of the Township of West Windsor, Mercer County: Block 9, Lot 204.32C3018.
4. Last owner of record: Dan Gancev and Liliana Gancev.
5. Two-bedroom moderate income unit.
6. Initial control period expiration: September 26, 2020.
7. Extended control period date, after which West Windsor Township may terminate the affordability controls: September 26, 2050.

SCHEDULE 14

1. Declaration of Covenants, Conditions and Restrictions Implementing Affordable Housing Controls On State Regulated Property recorded at: Book 6285, Pg. 778.
2. Property address: 104 Wenlock Court, Unit 20, West Windsor, New Jersey 08550.
3. Block and Lot as shown on the Tax Map of the Township of West Windsor, Mercer County: Block 9, Lot 204.34C3020.
4. Last owner of record: Jason E. Ruscil.
5. One-bedroom moderate income unit.
6. Initial control period expiration: September 19, 2020.
7. Extended control period date, after which West Windsor Township may terminate the affordability controls: September 19, 2050.

RESOLUTION EXTENDING AFFORDABILITY CONTROLS PERIODS FOR 14 WINDSOR HAVEN AFFORDABLE UNITS AND AUTHORIZING RECORDING OF INSTRUMENT WITH RESPECT THERETO

WHEREAS, West Windsor Township entered into a Settlement Agreement with Fair Share Housing Center settling a certain declaratory judgment action brought by the Township styled In the Matter of West Windsor Township, County of Mercer, Docket No. MER-L-1561-15; and

WHEREAS, Declarations of Covenants, Conditions and Restrictions Implementing Affordable Housing Controls on State Regulated Property or Deed To State Regulated Property Subject to Restrictive Covenant Limiting Conveyance and Mortgage Debt ("Deed Restrictions") have been recorded extending the affordability control period for the following 14 dwelling units in the Windsor Haven development:

31 Ketley Place: Units 3, 8, 10, 12, and 15
104 Wenlock Court: Units 2, 3, 6, 8, 13,15,17,18, and 20; and

WHEREAS, the Declaration with Respect to Deeds; Declarations of Covenants, Conditions and Restrictions Implementing Affordable Housing Controls on State Regulated Property attached hereto specifies that, as to these 14 dwelling units, the affordability controls period continues for thirty years from the end date of the initial control period and thereafter until terminated by the municipality; and

WHEREAS, it is in the best interest of the Township of West Windsor to affirm that it will not exercise its right under the existing recorded Deed Restrictions to terminate such Deed Restrictions during the periods aforesaid.

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

1. The Township of West Windsor will not terminate the Deed Restrictions in accordance with the authority given it by the recorded Deed Restrictions until at least thirty years from the end date of the initial control period for the 14 dwelling units identified in the second "Whereas" clause hereof; and
2. The Affordable Housing Attorney is hereby authorized and directed to record the Declaration attached hereto.

Adopted: April 15, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 15th day of April 2019.

Gay M. Huber
Gay M. Huber
Township Clerk
West Windsor Township

Appendix D-4: Ordinance 2018-28 re: W Squared

ORDINANCE 2018-28

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

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

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

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

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

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

Section 4. The Study Area District Map on page 25 is amended by increasing the size of the RP-1 District in the manner set forth in the map change that is part of the ordinance codifying the District Regulations set forth below.

Section 5. The following shall be added at the end of the District Regulations.

DISTRICT RP-1

RP-1 District use regulations

A. RP-1 District Use Regulations

- (1) Purpose.** The RP-1 District is envisioned as the core of the Redevelopment Area on the west side of the rail line where a mix of residential, retail, office and civic space can be designed as a

distinctive walkable center with a sense of place for Princeton Junction.

(2) Principal permitted uses. In the RP-1 District, no building or premises shall be used and no building shall be erected or altered on a lot which is arranged, intended or designed to be used, except for one or more of the following uses:

- (a) Multi-family dwellings, townhouses, stacked townhouses, age-restricted housing and live-work units, including affordable housing meeting all Uniform Housing Affordability Controls (“UHAC”) standards. Residential structures may occur in mixed-use structures. Residential structures will comply with all federal and state accessibility laws.
- (b) Civic spaces and uses, including a farmer’s market.
- (c) One hotel[s].
- (d) Stores and shops for the conduct of any retail business, including specialty and gift shops and boutiques, excluding drive through facilities.
- (e) Personal service establishments (e.g., tailor, barbershop, or beauty salon).
- (f) Offices for professional services (e.g., physicians, lawyers, financial advisors or architects); commercial offices (e.g., realtors or travel agencies); governmental offices (e.g., post office branch); and offices incidental to uses permitted in this section.
- (g) Restaurants, cafes, luncheonettes and delicatessens, excluding curb service establishments and drive-through facilities but not excluding walk up services and outdoor dining.
- (h) Indoor recreation facilities, including instructional studios and fitness centers.
- (i) Banks and similar financial institutions, including walk-up automated teller machines (ATM), provided that such are compatible with the design of the building and are appropriately located at the side or rear of a building. Drive-through facilities serving such uses are not permitted.

- (j) Attended laundry and retail dry-cleaning services, not including bulk processing and, in the case of dry-cleaning establishments, not providing for the storage of more than five gallons of flammable or toxic cleaning fluid on the premises.
- (k) Book, newspaper, periodical and stationery stores and copy centers.
- (l) Parcel package shipping stores or mailing centers.
- (m) Artisan studios, craftsman workshops, and art galleries.
- (n) Museums and other cultural and civic facilities of a similar nature.
- (o) Parks and plazas.
- (p) Buildings and uses for municipal purposes owned or operated by West Windsor Township or not-for-profits designated by the Township.

(3) Permitted accessory uses.

- (a) Recreational and open space facilities, including, but not limited to, pools, walkways, courtyards and plazas.
- (b) Off-street parking and loading, including parking structures attached to buildings with principal permitted uses, appropriately screened from public view.
- (c) Signs.
- (d) Street furnishings, planters, street lights, and exterior, garden type shade structures.
- (e) Sidewalk cafes and outdoor dining facilities associated with permitted restaurants, cafes, luncheonettes, and delicatessens.
- (f) Fences and walls, which shall complement the architectural style, type and design of the building and the overall project design.
- (g) Decks, patios and terraces (including rooftop facilities), which shall complement the architectural style, type and design of the building and the overall project design.

- (h) Community bulletin or message boards, including electronic signs with changeable type only for the purpose of conveying information about community events. However, animated type signs shall not be permitted.
- (i) Public service facilities.
- (j) Accessory uses customarily incidental to permitted principal uses, including structured parking, management and maintenance offices, fitness and other resident amenities, storm water management facilities and structures.
- (k) Open air structures such as gazebos, pavilions, children's play areas and pet parks.
- (l) Kiosks, which may have restrooms.

(4) Conditional uses. In the RP-1 District, the following uses may be permitted as conditional uses: Child care centers meeting the standards set forth in Section 200-241, except that (i) they shall not be permitted in freestanding buildings, (ii) the minimum standards applicable to a freestanding child care center in Section 200-241. A. (1), (3) and (4) shall not be applicable and (iii) the provisions related to an outdoor play area center in Section 200-241. A. (8) and (9) shall not be applicable, if one is not provided as permitted by the New Jersey Department of Human Services.

B. RP-1 District Intensity, Bulk and Other Regulations

The following shall be the standards for the RP-1 District:

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

component of the development shall be dispersed throughout such component.

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

- (c) Parking structures attached to buildings with principal permitted uses may be up to six levels.
- (d) Architectural enhancements and building elements and appurtenances such as parapets, chimneys, spires, cupolas, belfries, corner towers or flagpoles, designed for ornamental purposes, as well as functional elements such as elevator housing, roof-mounted HVAC equipment, and roof-access stairwells, are not subject to any specific height limitation but shall not exceed the height of the rooftop they project from by more than 15 feet. Section 200-229 F of Chapter 200 of the Township's Code relating to height exceptions shall not apply.

Consistent with the definition from the International Building Code (Section 505.2), mezzanines shall not constitute a story or half story and shall be considered a portion of the story below.

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

[except that the required number of spaces may be reduced if a shared parking analysis demonstrates that a lower number of spaces will be sufficient.]

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

- (9) Other standards:

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

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

C. RP-1 District Design Standards

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

- (1) Promenade public space (which is shown conceptually in Exhibit E of the settlement and Redeveloper's Agreement).
 - (a) The promenade shall be designed to include passive areas and active public gathering space that can host a farmer's market and other public events.
 - (b) If applicable, the farmer's market shall include stall areas, an open air pavilion structure, a plaza and utilities such as electric and water. It shall be located on the promenade at a place where the streets could be closed to vehicular traffic at appropriate locations.
 - (c) The promenade shall utilize shared space principles that combine movement and other civic functions of streets and public space. This includes aesthetic treatments considering decorative materials and/or patterns for all vehicular, pedestrian and shared paved surfaces. Pavements should be specifically designed to emphasize the creation of spaces and transition between spaces or zones and to provide visual clues to pedestrians, bicyclists and motorists to reinforce the use and function of the area as a low speed pedestrian-oriented public space through which motor vehicles travel and park. Bollards shall be used in place of curbs to provide visual clues for defining separation of pedestrian circulation from vehicular

travel lanes and on-street parking. More refined pavements should be utilized to emphasize and enhance areas designed for larger volumes of pedestrian activity such as building entrances, plazas and terraces, nodes, drop-off and pick-up zones and crosswalks. A palette of compatible decorative pavements and/or pavement patterns should be developed for the entire promenade.

(2) Circulation and parking.

- (a) Streets shall include on-street parallel or angled parking in order to promote pedestrian street activity, lower vehicular speeds, and provide convenient access to retail uses and the promenade.
- (b) Off-street parking and service access shall be designed to avoid the backing in and out of streets.
- (c) Sidewalk widths shall measure between 10 feet and 15 feet in the core retail and promenade area in the RP-1 District and shall be a minimum of five feet wide in all other areas (except where vehicle parking overhang of a sidewalk area can occur wherein the width of the sidewalk area is to be a minimum of 6'). All sidewalks should be durably paved and smoothly surfaced to provide for the free movement of pedestrians. All sidewalks and pathways must be designed to provide access for the physically disabled. Access ramps shall be conveniently placed and sloped to provide easy connection to streets and sidewalks, in conformance with the applicable accessibility standards.
- (d) The minimum width for off-road bike lanes is eight feet.
- (e) Surface parking cannot be located between the building and the front property line. Where surface parking may be located along a street frontage, such must be screened from the street by a solid fence or wall at a minimum height of 48 inches.
- (f) Structured parking may be contained within, under or attached to buildings. Parking structures or podium-type parking under buildings may not front toward the promenade public space. Where parking structures front on public streets, such may

feature liner buildings which are shallow commercial buildings on the facades of parking structures or ground floor space along the sidewalk designed as retail, commercial or office space

- (g) All facilities that provide parking to the public for non-residential uses shall provide parking for bicycles at a rate of one bicycle space per 10 automobile parking spaces for the first 100 parking stalls and one bicycle space every 20 automobile parking spaces beyond that.
- (h) A minimum of two spaces will be provided for parking for shared car services.
- (i) Loading for non-residential uses fronting on the promenade may be accommodated by collective provision for loading facilities that allow for sharing of such facilities among two or more uses and may be located in either on-street loading zones or off-street loading areas, which may be located within a building or a parking structure. A hotel shall provide an off-street loading area with a minimum of 1 berth.

(3) Landscape architectural treatments and guidelines.

- (a) All plants, trees, shrubs, pedestrian pavements and streetscape elements shall be installed in accordance with a landscape plan and schedule provided by the redeveloper, subject to the approval of the Planning Board.
- (b) Landscape architectural treatments shall be provided throughout the redevelopment area to create spatial definition or separation, shade, visual interest, seasonal color, visual buffering, microclimatic enhancement, and habitat and to improve safety.
- (c) Indigenous plant species shall be primarily specified within the District and invasive exotic species shall be avoided. Any landscaping that is not resistant to the environment, or that dies, shall be replaced by the redeveloper in accordance with the maintenance guarantee provisions of the municipal land use law. {perpetuity}.

- (d) In landscaped spaces, passive systems such as cisterns and water gardens that collect rainwater for irrigation or recharge are encouraged.
- (e) Soil moisture-sensing irrigation systems shall be used.

(4) Building orientation, massing and façade composition.

- (a) New buildings within the District should be considered an integral part of the overall site design and developed with appropriate consideration for both proposed and existing buildings with respect to height, mass, siting, location, materials, orientation, signs, lighting and use.
- (b) Buildings shall front on the promenade and public streets to provide form and function to the streetscape. The streetscape should be continuous and varied through the use of street furniture, landscaping, building articulation, building frontage setbacks and changes in sidewalk types and textures. Driveway intersections with the public street should be minimized to avoid excessive interruptions in the streetwall.
- (c) Buildings shall be designed to present an articulated facade from all vantage points. Parking structures shall not front on the promenade. Parking structures or that portion of a building containing a parking structure that is not fronting on the promenade may have an exterior clad in a vine-covered trellis, graphic panels, solar panels, a window-like facade treatment, liner buildings or ground floor space along the sidewalk designed as retail, commercial, residential or office space.
- [a]
- (d) The architectural treatment of the front facade shall be continued in its major features around all visibly exposed sides of a building with the exception of parking structures or that portion of a building containing a parking structure. All sides of a building shall be architecturally designed to be consistent with regard to style, materials, colors and details. Blank wall or service area treatment of side and/or rear elevations visible from public view shall be avoided.

- (e) Unless the redeveloper proposes a specific use that requires a unique building, such as a hotel, buildings should be designed utilizing base, middle and top forms as the primary method relating buildings to each other.
- (f) The base shall be considered the first story of the facade facing a public street, depending on the overall heights of the building. The design of the base, as well as the quality and durability of its materials, should be emphasized to create visual interest and support pedestrian activity. The building's base should be presented to the Planning Board at a larger scale of drawing and greater detail than the remainder of the facade to ensure it meets the building design objectives.
- (g) In addition to the base, the exterior design of mixed-use residential buildings shall include a middle field section and a cap on the top. The middle of the building shall be differentiated from the base by a horizontal transition line. A horizontal transition line should also be established separating the middle field from the cap or top of the buildings.
- (h) The base transition line should generally be defined at the water table, sill of the ground floor windows or top of the ground floor. The upper transition line articulating the cap, should generally be defined by a cornice, projecting overhang or other appropriate means that defines the cap of the building.
- (i) Building exteriors shall have vertical and/or horizontal offsets to create visual breaks on the exterior. Long, monotonous, uninterrupted walls or roof planes shall be avoided. Building wall offsets, including projections such as balconies, canopies, awnings, and signs, recesses, and changes in floor level shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, roofline offsets, dormers, or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
- (j) For townhouses or stacked townhouses, buildings may contain a maximum of twelve townhouse dwellings or stacked townhouse

modules (twenty-four stacked townhomes) in a single row and shall not require any façade, height or roofline offsets. The base of townhouses or stacked townhouses should generally be defined at the water table, sill of the ground floor windows or top of the ground floor and the cap should generally be defined by a cornice or overhanging eave line. Townhouses or stacked townhouses shall have a front entry that faces a street, courtyard, mews or other open space, with garages accessed from the rear (via a driveway), and are not required to have private outdoor space at the ground level.

- (k) In general, it is preferred to keep the street facade parallel to the property line in alignment with adjacent buildings.
- (l) Blank walls must contain architectural relief such as expressive details, blind windows, murals, etc.
- (m) All buildings shall provide scale-defining architectural elements or details at the first two floor levels minimum, such as windows, spandrels, awnings, porticos, pediments, cornices, pilasters, columns and balconies.
- (n) Windows for residential buildings shall be primarily vertically proportioned. Tinted and highly reflective glass are discouraged.
- (o) Ground-floor retail, services, and restaurant uses shall have large transparent windows. Such windows shall be framed by the surrounding wall and shall be a minimum of 75% of the total ground-level facade area adjoining the sidewalk. The window wall facade area may be reduced if, due to a particular use or settings, the provision of windows will present concerns for aesthetic design or security. However, the facade design should employ an arrangement of materials that reflects the required window area and/or lines to be compatible with the intent of these guidelines.
- (p) The predominant material of all street walls on primary and secondary streets shall be brick, precast, cement-board

siding, wood and finished masonry block, or curtain wall. Stucco may be used as an accent. All materials, colors and elevations shall be approved by the Planning Board.

- (q) Shop fronts may have a kick plate that ranges in height from 18 inches to 42 inches running continuously beneath the required fenestration.
- (r) Public access to commercial and governmental buildings shall be provided at sidewalk grade. The primary floor of and access to residential structures may be elevated.
- (s) The front doors of all buildings shall be visible from the street unless fronting on a courtyard, mews or other open space. If located more than 10 feet from the front building line, their location must be reinforced with additional graphics, signage, lighting, marquees or canopies.
- (t) All entrances to a building, except service and emergency egress doors, shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, balustrades and other elements, where appropriate. Any such element utilized, including doors, shall be architecturally compatible with the style, materials, colors and details of the building as a whole. The main entrance shall face the street on _____ which the property fronts.
- (u) Awnings, which add visual richness to the commercial corridor while enhancing the quality of public walkways, are encouraged for all storefronts. Awnings shall have fixed or retractable metal framework.
- (v) Canopies, unlike awnings, are non-retractable. They shall be constructed of wood or metal framing, standing-seam metal roof or glass roof as solid canopies or semi-open trellises. Canopies may incorporate signage and down lighting. Security shall be implemented so that it cannot be seen, and

security grille housing is specifically prohibited.

- (w) All awnings and canopies shall be securely attached to the building so that the lowest part of the awning or canopy is mounted a minimum of eight feet above the sidewalk at the storefront. Awnings and canopies may project over a sidewalk and/or in the public right-of-way.
- (x) Buildings directly fronting the promenade shall be designed to appear as landmark buildings. One possible treatment to achieve this goal would have buildings designed with additional height or architectural embellishments, such as corner towers, to emphasize their location.
- (y) Appropriate design of the corner of mixed-use buildings directly fronting the promenade shall include one of the following patterns:
 - [1] Opening the space at ground level for people to walk across the corner, with the building mass above redefining the corner.
 - [2] A recessed entry at the corner such as the familiar angled wall with an entry door.
 - [3] A corner window with an important view into the building.
 - [4] Balconies or bay windows that wrap the corner
 - [5] A tower element
- (z) Multistory buildings with flat roofs shall provide light color roof surfaces. Green roof plantings and solar photovoltaic systems on roofs and parking decks shall be permitted.
- (aa) Excepting the antenna itself, all parts and components of personal communications antennas, satellite dishes, and television and radio antennas shall be screened from view regardless of elevation, or shall be disguised within an enclosed structure. The screening shall be designed as part of

the overall design theme of the building to which it is associated.

- (bb) Dish antennas may not exceed 12 feet in diameter.
- (cc) Mechanical equipment located on building roofs shall be screened so as not to be visible from the ground level from adjacent developments and from public streets and spaces. Mechanical equipment at ground level shall be screened and in the rear.

(5) Lighting

- (a) Lighting levels along paved portions of public walks shall be an average of no less than one foot candle for commercial areas and 0.5 foot candle for residential areas.
- (b) Fixtures serving to light streets shall be at a height of no greater than 20 feet above the adjacent roadway surface. The light center of a fixture for a pedestrian walkway shall be mounted at a height of 12 feet to 14 feet above the adjacent surface of the walkway. The fixtures shall include attachments to accommodate such amenities as banners and flower pots.
- (c) The design for a proposed facade must consider the appearance of the building in the evening and develop an exterior lighting plan that includes display window lighting, building lighting, and pedestrian-scaled lighting for both buildings and pedestrian areas within the site. Lighting shall be warm in color, with control of glare for the pedestrian.

(6) Streetscape

- (a) A palette of compatible site furnishings should be developed for the entire District. Street furnishings may include elements such as benches, gazebos, trash and recycling receptacles, bicycle racks, bird houses, drinking fountains, kiosks, sculptural elements, decorative fountains, bollards, decorative fences, seat walls, and pedestrian-scale lighting.

- (b) Community bulletin boards, such as kiosks, may be provided at strategic locations, including on the promenade.
- (c) Freestanding newspaper and advertising dispensers shall not be permitted in the right-of-way of primary streets and shall be incorporated into approved buildings or pavilions.
- (d) Outdoor cafes may extend onto the public right-of-way upon issuance of a license by the Township. Such encroachment shall convey no rights to the licensee beyond those enumerated in the license. Outdoor cafes shall be delineated from the public way by planters and/or metal fencing with no more than two entrances to the cafe seating area. A clear width of at least four feet shall be maintained between any outward portion of the cafe and the closest street furniture and equipment.

(7) Signage

In lieu of Section 200-258D, the following shall apply:

- (a) The temporary display of signs, banners, flags, pennants and similar devices, in connection with special events or activities of a public or nonprofit nature shall be permitted, provided such display shall not exceed 14 days and shall not occur more than twelve times per calendar year.
- (b) The temporary display of signs, banners, flags, pennants and similar devices in connection with the opening of a new business use or reopening of an existing business use shall be permitted provided such display shall not exceed three months for non-residential uses and 15 months for hotel and residential uses.
- (c) Existing nonconforming signs shall be removed from this District within a period of 12 months after building permit issuance.
- (d) All signs within the project area shall be part of the overall total design scheme and in keeping with the architectural character of the District in which the sign is located.

(e) Each type of signage shall be permitted on the same site, provided that the standards set forth below are satisfied.

[1] Wall signage.

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

[i] Internally lit raised letters.

[ii] Backlit raised letters.

[iii] Signage board with gooseneck lighting.

[iv] Individual cut letters with gooseneck lighting.

[b] The maximum sign area shall be 80% of the linear tenant frontage, with a maximum of 50 square feet.

[2] Hanging signs.

[a] One hanging sign shall be permitted per business with the exception of residential and hotel buildings which can have one (1) per building entry and one (1) for each exterior building corner.

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

[c] The letter and logo height shall be a maximum of 12 inches with the exception of blade signs which maximum height shall be 18 inches.

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

[3] Street address signage.

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

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

[4] Kiosk signage.

- [a] Free-standing signs designed as Parisian-style kiosks shall be permitted in order to identify the promenade and individual uses located in the District to passersby on major roads at the edges of the District as well as within or leading to the promenade.
- [b] The maximum kiosk sign area shall be 30 square feet, as measured on each face.
- [c] The maximum kiosk sign height shall be 16 feet above finished grade.
- [d] Kiosk signs may be located in a paved sidewalk area including within the public right-of-way of streets.
- [e] The base of the kiosk sign shall be landscaped with plants that extend a minimum of two feet in all directions unless such kiosk is located within a paved sidewalk area.

[5] Awnings and canopies.

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

twelve inches in height.

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

- [a] Are inside the window
- [b] Do not exceed 15% of the window area.
- [c] Pertain only to the establishment occupying the premises where the window is located.

(f) Temporary construction and sales signage

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

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

(g) Billboards are prohibited.

Section 6. This ordinance shall be in force after action or inaction by the Mayor as provided by law or an override of mayoral veto by the Council whichever is applicable, and publication according to law.

INTRODUCTION: November 19, 2018

PLANNING BOARD REVIEW/APPROVAL; November 27, 2018*

PUBLIC HEARING: December 10, 2018

ADOPTION: December 10, 2018

MAYOR'S APPROVAL: December 11, 2018

EFFECTIVE DATE: December 31, 2018

*Minor changes were requested. These changes were approved by the Township Council on 12/10/2018

Appendix D-5: Ordinance 2021-02 re: W Squared

**TOWNSHIP OF WEST WINDSOR
COUNTY OF MERCER, NEW JERSEY**

1st Reading January 26, 2021
 2nd Reading & Public Hearing February 22, 2021
 Date Adopted February 22, 2021
 Date Effective March 15, 2021
 DOT APPROVAL RECEIVED _____

Date to Mayor February 23, 2021
 Date Signed February 23, 2021
 Date Resubmitted to Council _____
 Approved as to Form and Legality ✓

Michael W. Herbert Esq.
Township Attorney

ORDINANCE 2021-02

AN ORDINANCE TO AMEND AND SUPPLEMENT THE PRINCETON JUNCTION
 REDEVELOPMENT PLAN REGULATING PROVISIONS IN THE RP-1 ZONING DISTRICT OF
 THE PRINCETON JUNCTION REDEVELOPMENT PLAN CHAPTER 200 OF THE CODE OF THE
 TOWNSHIP OF WEST WINDSOR (1999)

RECORD OF VOTE													
First Reading							Second Reading						
Council	Yes	No	NV	AB	Mov	Sec	Council	Yes	No	NV	AB	Mov	Sec
Gawas	✓						Gawas	✓					
Geevers	✓					✓	Geevers	✓				✓	
Hersh	✓						Hersh	✓					✓
Mandel	✓						Mandel	✓					
Stevens	✓				✓		Stevens	✓					

x-Indicates Vote AB-Absent NV-Not Voting Mov-Moved Sec-Seconded

Rejected

Approved

Hemant Marathe
Hemant Marathe, Mayor

February 23, 2021
Date

Reconsidered by Council _____

Override Vote: YES _____ NO _____

Gay M. Huber
Gay M. Huber, Township Clerk

Planning Board Approval: February 17, 2021

ORDINANCE 2021-02

AN ORDINANCE TO AMEND AND SUPPLEMENT THE PRINCETON JUNCTION REDEVELOPMENT PLAN REGULATING PROVISIONS IN THE RP-1 ZONING DISTRICT OF THE PRINCETON JUNCTION REDEVELOPMENT PLAN CHAPTER 200 OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999)

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

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

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

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

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

DISTRICT RP-1

RP-1 District use regulations

RP-1 District.

A. RP-1 District Use Regulations.

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

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

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

- (k) Book, newspaper, periodical and stationery stores and copy centers.
- (l) Parcel package shipping stores or mailing centers.
- (m) Artisan studios, craftsman workshops, and art galleries.
- (n) Museums and other cultural and civic facilities of a similar nature.
- (o) Parks and plazas.
- (p) Buildings and uses for municipal purposes owned or operated by West Windsor Township or not-for-profits designated by the Township.
- (q) Taverns, limited breweries, and brew pubs.

(3) Permitted accessory uses.

- (a) Recreational and open space facilities, including, but not limited to, pools, walkways, courtyards and plazas.
- (b) Off-street parking and loading, including parking structures attached to buildings with principal permitted uses, appropriately screened from public view.
- (c) Signs.
- (d) Street furnishings, planters, street lights, and exterior, garden-type shade structures.
- (e) Sidewalk cafes and outdoor dining facilities associated with permitted restaurants, cafes, luncheonettes, and delicatessens.
- (f) Fences and walls, which shall complement the architectural style, type and design of the building and the overall project design.
- (g) Decks, patios and terraces (including rooftop facilities), which shall complement the architectural style, type and design of the building and the overall project design.

- (h) Community bulletin or message boards, including electronic signs with changeable type only for the purpose of conveying information about community events. However, animated type signs shall not be permitted.
- (i) Public service facilities.
- (j) Accessory uses customarily incidental to permitted principal uses, including structured parking, management and maintenance offices, fitness and other resident amenities, storm water management facilities and structures.
- (k) Open-air structures such as gazebos, pavilions, children's play areas and pet parks.
- (l) Kiosks, which may have restrooms.

(4) Conditional uses. In the RP-1 District, the following uses may be permitted as conditional uses: Child-care centers meeting the standards set forth in § 200-241, except that (i) they shall not be permitted in freestanding buildings, (ii) the minimum standards applicable to a freestanding child-care center in § 200-241A(1), (3) and (4) shall not be applicable and (iii) the provisions related to an outdoor play area center in § 200-241A(8) and (9) shall not be applicable, if one is not provided as permitted by the New Jersey Department of Human Services.

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

- (1) Minimum tract area: The entirety of the District, which shall be conceptually planned in a comprehensive integrated manner showing the proposed development for the entire District. Individual components of the District may be shown conceptually to allow for the District to be developed in phases.
- (2) Number of dwelling units: The redeveloper may construct up to 800 dwelling units as of right, at least 95 of which shall be senior housing. 16.5% of the dwelling units constructed shall be set aside as affordable units complying with all UHAC regulations. If a hotel is constructed, the maximum number of dwelling units shall remain at 800 units. If a hotel is not constructed, a maximum of sixty-eight (68) additional

dwelling units may be constructed anywhere within the RP-1 District, and 25% of such additional dwelling units constructed shall be set aside as affordable units complying with all UHAC regulations and the distribution of such additional affordable units may be located within any residential component of the development. At least 37% of the affordable units shall be made available to low-income households and at least 13% shall be made available to very-low-income households as defined by the New Jersey Fair Housing Act and such very-low income households may be located within any residential component of the development. The remaining affordable units shall be made available to moderate-income households. The affordable units within each residential component of the development shall be dispersed throughout such component.

- (3) Amount of indoor nonresidential square footage: At least [37,000] 17,000 square feet of indoor nonresidential space shall be constructed by the redeveloper. Nonresidential uses may be located on the first floor of multiuse buildings, except that freestanding one- or two-story nonresidential structures are permitted to be located within the promenade as kiosks or fronting the promenade in a corner location as a nonresidential building. Kiosks and commercial uses within a hotel shall not be counted towards the minimum indoor nonresidential square footage requirement.
- (4) Required outdoor civic space and uses: Consistent with Exhibit E of the Settlement and Redeveloper's Agreement, civic uses shall include a minimum of 50,000 square feet contained in the promenade and shall be provided, owned and maintained by the redeveloper at its cost in perpetuity. It may be used for a farmer's market and other public events sponsored by civic organizations which shall be according to a schedule of availability and rules of usage established by the redeveloper in cooperation with the Township. The promenade shall include a sheltered public gathering space permanently affixed and constructed primarily of glass or other transparent material subject to the approval of the Township. The promenade shall also include a plaza, utilities, and shall be located at a place where the streets could be closed for vehicular traffic at appropriate locations. If necessary, the redeveloper shall provide public use easements allowing the public to use and enjoy the promenade. [Public access to restrooms shall be provided during normal business hours and scheduled public events.]
- (5) A hotel may be constructed and shall be fronting the promenade.
- (6) Maximum improvement coverage: 95%.

(7) Maximum building height: Four stories with the exception of:

- (a) Mixed-use buildings with nonresidential uses on the ground floor can be up to five stories, provided that the fifth floor facade is stepped back a minimum of six feet from the fourth floor facade below.
- (b) Senior housing buildings may be up to five (5) stories and seventy (70) feet.
- (c) One hotel may be up to six stories and eighty-five (85) feet, plus open or partially covered rooftop terraces and outdoor dining facilities. If a hotel is not constructed, one or more other principal permitted uses may be located in its place at the terminus of the promenade and may be up to six stories and eighty-five (85) feet, plus open or partially covered rooftop terraces.
- (d) Parking structures attached to buildings with principal permitted uses may be up to six levels and seventy (70) feet. Parking levels located below grade shall not be counted in calculating the number of levels or height. In those instances where a side of a garage is not attached to a building, a parapet shall be provided in order to shield from view any parked vehicles.
- (e) In accordance with New Jersey Building Code (N.J.A.C. 5:23-3.14), Building Height shall be defined as the vertical distance from grade plane to the average height of the highest roof surface. A grade plane shall be defined as a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.

In this district, height limitation references to footage and number of stories are intended to limit building height to the specified maximum footage and number of stories within said footage. Building height calculations shall exclude building service equipment (e.g., mechanical services, elevator penthouses, condensers, exhaust fans, air-conditioning and

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

- [1] Section 200-229 F of Chapter 200 of the Township's Code relating to height exceptions shall not apply.
- [2] Mezzanines and lofts that qualify as mezzanines under the International Building Code (Section 505.2) shall not constitute a story or half story and shall be considered part of the story below.

(8) Minimum Parking requirements.

- (a) 1.4375 off-street parking spaces per residential unit are to be provided within the district except for senior housing and townhouses.
- (b) 2.0 off-street parking spaces per townhouse shall be provided.
- (c) Senior housing requires 0.7 off-street parking spaces per unit.
- (d) Non-residential uses may rely on shared parking and, if available, commuter parking spaces during off-hours and on weekends without the provision of dedicated parking except for employees at a ratio of 1.0 space per 1,000 square feet of non-residential square footage excluding hotels.
- (e) Parking serving hotel guests and employees shall be provided at the rate of 0.6 spaces per room, except that the required number of spaces may be reduced if a shared parking analysis demonstrates that a lower number of spaces will be sufficient.
- (f) The applicable parking requirement may be reduced where it can be demonstrated to the satisfaction of the Planning Board that such reductions are justified by reason of proximity to public transportation and/or documented arrangements for shared parking supported by analyses consistent with the Urban Land Institute's Shared Parking Analysis or other generally accepted standards applicable to shared parking.

(9) Other standards

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

C. RP-1 District Design Standards

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

- (1) Promenade public space (which is shown conceptually in Exhibit E of the Settlement and Redeveloper's Agreement).
 - (a) The promenade shall be designed to include passive areas and active public gathering space that can host a farmer's market and other public events.
 - (b) If applicable, the farmer's market shall include stall areas, an open-air pavilion structure, a plaza and utilities such as electric and water. It shall be located on the promenade at a place where the streets could be closed to vehicular traffic at appropriate locations.
 - (c) The promenade shall utilize shared space principles that combine movement and other civic functions of streets and

public space. This includes aesthetic treatments considering decorative materials and/or patterns for all vehicular, pedestrian and shared paved surfaces. Pavements should be specifically designed to emphasize the creation of spaces and transition between spaces or zones and to provide visual clues to pedestrians, bicyclists and motorists to reinforce the use and function of the area as a low speed pedestrian-oriented public space through which motor vehicles travel and park. Bollards or visual clues (including, but not limited to, pavement, colors/textures, pedestrian/bicycle symbols and/or signage, planters, landscaping, street trees, ground cover landscaping, street furniture, lampposts and other street lighting techniques, fixed benches and moveable seating, and outdoor café zones) shall be utilized for defining separation of pedestrian circulation from vehicular travel lanes and on-street parking. More refined pavements should be utilized to emphasize and enhance areas designed for larger volumes of pedestrian activity such as building entrances, plazas and terraces, nodes, drop-off and pick-up zones and crosswalks. A palette of compatible decorative pavements and/or pavement patterns should be developed for the entire promenade.

- (2) Circulation and parking.
 - (a) Streets may include on-street parallel or angled parking in order to promote pedestrian street activity, lower vehicular speeds, and provide convenient access to retail uses and the promenade.
 - (b) Off-street parking and service access shall be designed to avoid the backing in and out of streets to the greatest extent possible.
 - (c) Roadway identified on the concept plan as Road A shall be contained in a maximum right-of-way of 50 feet.
 - (d) Sidewalk widths shall measure at least 10 feet in the core retail and promenade area in the RP-1 District and shall be a minimum of five feet wide in all other areas (except where vehicle parking overhang of a sidewalk area can occur wherein the width of the sidewalk area is to be a minimum of six feet). All sidewalks should be durably paved and smoothly surfaced to provide for the free movement of pedestrians. All sidewalks and pathways must be designed to provide access for the physically disabled in accordance with state and federal regulations. Access ramps shall be conveniently placed and

sloped to provide easy connection to streets and sidewalks, in conformance with the applicable accessibility standards.

- (e) The minimum width for off-road bike lanes is eight feet.
- (f) Surface parking cannot be located between the building and the front property line. Where surface parking may be located along a street frontage, such must be screened from the street by a solid fence or wall at a minimum height of 48 inches.
- (g) Structured parking may be contained within, under or attached to buildings. Parking structures or podium-type parking under buildings may not front toward the promenade public space. Where parking structures front on public streets, such may feature liner buildings which are shallow commercial or residential buildings on the facades of parking structures or ground floor space along the sidewalk designed as amenity, utility, retail, commercial or office space.
- (h) There shall be one bicycle parking space per 10 automobile parking spaces for the first 100 parking stalls allocated to nonresidential uses for the public, and one bicycle space for every 20 automobile parking spaces allocated to nonresidential uses for the public beyond that.
- (i) A minimum of two spaces will be provided for parking for shared car services.
- (j) Loading for nonresidential uses fronting on the promenade may be accommodated by collective provision for loading facilities that allow for sharing of such facilities among two or more uses and may be located in either on-street loading zones or off-street loading areas, which may be located within a building or a parking structure. A hotel shall provide an off-street loading area.

(3) Landscape architectural treatments and guidelines.

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

- (b) Landscape architectural treatments shall be provided throughout the redevelopment area to create spatial definition or separation, shade, visual interest, seasonal color, visual buffering, microclimatic enhancement, and habitat and to improve safety.
- (c) Indigenous plant species shall be primarily specified within the District and invasive exotic species shall be avoided. Any landscaping that is not resistant to the environment, or that dies, shall be replaced by the redeveloper in accordance with the maintenance guarantee provisions of the municipal land use law.
- (d) In landscaped spaces, passive systems such as cisterns and water gardens that collect rainwater for irrigation or recharge are encouraged.
- (e) Soil moisture-sensing irrigation systems shall be used.

(4) Building orientation, massing and facade composition.

- (a) New buildings within the District should be considered an integral part of the overall site design and developed with appropriate consideration for both proposed and existing buildings with respect to height, mass, siting, location, materials, orientation, signs, lighting and use.
- (b) Buildings shall front on the promenade and public streets to provide form and function to the streetscape. The streetscape should be continuous and varied through the use of street furniture, landscaping, building articulation, building frontage setbacks and changes in sidewalk types and textures. Driveway intersections with the public street should be minimized to avoid excessive interruptions in the streetwall.
- (c) Buildings shall be designed to present an articulated facade from all vantage points. Parking structures shall not front on the promenade. Parking structures or that portion of a building containing a parking structure that is not fronting on the promenade may have an exterior clad in a vine-covered trellis, graphic panels, solar panels, a window-like facade treatment,

liner buildings or ground floor space along the sidewalk designed as retail, commercial, residential or office space.

- (d) The architectural treatment of the front facade shall be continued in its major features around all visibly exposed sides of a building with the exception of parking structures or that portion of a building containing a parking structure. All sides of a building shall be architecturally designed to be consistent with regard to style, materials, colors and details. Blank wall or service area treatment of side and/or rear elevations visible from public view shall be avoided.
- (e) Unless the redeveloper proposes a specific use that requires a unique building, such as a hotel, buildings should be designed utilizing base, middle and top forms as the primary method relating buildings to each other.
- (f) The base shall be considered the first story of the facade facing a public street, depending on the overall heights of the building. The design of the base, as well as the quality and durability of its materials, should be emphasized to create visual interest and support pedestrian activity. The building's base should be presented to the Planning Board at a larger scale of drawing and greater detail than the remainder of the facade to ensure it meets the building design objectives.
- (g) In addition to the base, the exterior design of mixed-use residential buildings shall include a middle field section and a cap on the top. The middle of the building shall be differentiated from the base by a horizontal transition line. A horizontal transition line should also be established separating the middle field from the cap or top of the buildings.
- (h) The base transition line should generally be defined at the water table, sill of the ground floor windows or top of the ground floor. The upper transition line articulating the cap should generally be defined by a cornice, projecting overhang or other appropriate means that defines the cap of the building.
- (i) Building exteriors shall have vertical and/or horizontal offsets to create visual breaks on the exterior. Long, monotonous, uninterrupted walls or roof planes shall be avoided. Building wall offsets, including projections such as balconies, canopies,

awnings, and signs, recesses, and changes in floor level shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, roofline offsets, dormers, or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.

- (j) For townhouses or stacked townhouses, buildings may contain a maximum of 12 townhouse dwellings or stacked townhouse modules (24 stacked townhouses) in a single row and shall not require any facade, height or roofline offsets. The base of townhouses or stacked townhouses should generally be defined at the water table, sill of the ground floor windows or top of the ground floor and the cap should generally be defined by a cornice or overhanging eave line. Townhouses or stacked townhouses shall have a front entry that faces a street, courtyard, mews or other open space, with garages accessed from the rear (via a driveway and/or alley), and are not required to have private outdoor space at the ground level.
- (k) In general, it is preferred to keep the street facade parallel to the property line in alignment with adjacent buildings.
- (l) Blank walls must contain architectural relief such as expressive details, blind windows, murals, etc.
- (m) All buildings shall provide scale-defining architectural elements or details at the first two floor levels minimum, such as windows, spandrels, awnings, porticos, pediments, cornices, pilasters, columns and balconies.
- (n) Windows for residential buildings shall be primarily vertically proportioned. Tinted and highly reflective glass are discouraged.
- (o) Ground-floor retail, services, and restaurant uses shall have large transparent windows. Such windows shall be framed by the surrounding wall and shall be a minimum of 75% of the total ground-level facade area adjoining the sidewalk. The window wall facade area may be reduced if, due to a particular use or settings, the provision of windows will present concerns for aesthetic design or security. However, the facade design should employ an arrangement of materials that reflects the

required window area and/or lines to be compatible with the intent of these guidelines.

- (p) The predominant material of all street walls on primary and secondary streets shall be brick, precast, cement-board siding, wood, metal storefront, tile, stone, stone veneer, resin panels, composites, metal panels and finished masonry block, or curtain wall. Stucco may be used as an accent. All materials, colors and elevations shall be approved by the Planning Board.
- (q) Shop fronts may have a kick plate that ranges in height from 8 inches to 42 inches running continuously beneath the required fenestration.
- (r) Public access to commercial and governmental buildings shall be provided at sidewalk grade. The primary floor of and access to residential structures may be elevated.
- (s) The front doors of all buildings shall be visible from the street unless fronting on a courtyard, mews or other open space. If located more than 10 feet from the front building line, their location must be reinforced with additional graphics, signage, lighting, marquees or canopies.
- (t) All entrances to a building, except service and emergency egress doors, shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, balustrades, canopies, awnings, and other elements, where appropriate. Any such element utilized, including doors, shall be architecturally compatible with the style, materials, colors and details of the building as a whole. The main entrance shall face the street on which the property fronts.
- (u) Awnings, which add visual richness to the commercial corridor while enhancing the quality of public walkways, are encouraged for all storefronts. Awnings shall have fixed or retractable metal framework.
- (v) Canopies, unlike awnings, are nonretractable. They shall be constructed of wood or metal framing, standing-seam metal roof or glass roof as solid canopies or semi-open trellises.

Canopies may incorporate signage and down lighting. Security shall be implemented so that it cannot be seen, and security grille housing is specifically prohibited. For flat solid panel clad canopies, a membrane could be used if concealed from pedestrian view.

- (w) All awnings and canopies shall be securely attached to the building so that the lowest part of the awning or canopy is mounted a minimum of eight feet above the sidewalk at the storefront. Awnings and canopies may project over a sidewalk and/or in the public right-of-way.
- (x) Buildings directly fronting the promenade shall be designed to appear as landmark buildings. One possible treatment to achieve this goal would have buildings designed with additional height or architectural embellishments, such as corner towers, to emphasize their location.
- (y) Appropriate design of the corner of mixed-use buildings directly fronting the promenade shall include one of the following patterns:
 - [1] Opening the space at ground level for people to walk across the corner, with the building mass above redefining the corner.
 - [2] A recessed entry at the corner such as the familiar angled wall with an entry door.
 - [3] A corner window with an important view into the building.
 - [4] Balconies or bay windows that wrap the corner.
 - [5] A tower element.
- (z) Multistory buildings with flat roofs shall provide light color roof surfaces. Green roof plantings and solar photovoltaic systems on roofs and parking decks shall be permitted.

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

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

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

(5) Lighting.

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

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

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

(6) Streetscape.

(a) A palette of compatible site furnishings should be developed for the entire District. Street furnishings may include elements such as benches, gazebos, trash and recycling receptacles, bicycle racks, bird houses, drinking fountains, kiosks,

sculptural elements, decorative fountains, bollards, decorative fences, seat walls, and pedestrian-scale lighting.

- (b) Community bulletin boards, such as kiosks, may be provided at strategic locations, including on the promenade.
- (c) Freestanding newspaper and advertising dispensers shall not be permitted in the right-of-way of primary streets and shall be incorporated into approved buildings or pavilions.
- (d) Outdoor cafes may extend onto the public right-of-way upon issuance of a license by the Township. Such encroachment shall convey no rights to the licensee beyond those enumerated in the license. Outdoor cafes may be delineated from the public way by planters and/or barriers such as metal fencing. A clear width of at least four feet shall be maintained for pedestrians to pass either outboard or inboard.

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

- (a) The temporary display of signs, banners, flags, pennants and similar devices in connection with special events or activities of a public or nonprofit nature shall be permitted, provided that temporary signs which are displayed between one (1) and eighty-nine (89) days shall not occur more than twelve (12) times per calendar year and temporary signs that are displayed between ninety (90) and one hundred and twenty (120) days shall not occur more than six (6) times per calendar year. The materials for temporary signage shall consist of vinyl, mesh, fabric, or other durable material. Such temporary signs shall be permitted in the RP-1, RP-4, and RP-6 Districts.
- (b) The temporary display of signs, banners, flags, pennants and similar devices, in connection with the opening of a new business use or reopening of an existing business use shall be permitted provided such display shall not exceed three months for nonresidential uses and 15 months for hotel and residential uses.
- (c) Existing nonconforming signs shall be removed from this District within a period of 12 months after building permit issuance.

(d) All signs within the project area shall be part of the overall total design scheme and in keeping with the architectural character of the District in which the sign is located.

(e) Each type of signage shall be permitted on the same site, provided that the standards set forth below are satisfied.

[1] Wall signage.

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

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

[b] The maximum sign area shall be no greater than five percent (5%) of the total tenant wall area.

[2] Hanging signs and blade signs.

[a] One (1) hanging sign or blade sign is allowed per twenty-five (25) linear feet of frontage with a maximum of two (2) signs per frontage.

[b] The maximum sign area shall be 10 square feet per side.

[c] The letter and logo height shall be a maximum of eighteen (18) inches.

[d] Hanging signs may project a maximum of five (5) feet over a sidewalk and/or in the public right-of-way. A blade sign may only project beyond five (5) feet if attached to the underside of a tenant's canopy but may not exceed the canopy projection or an overall projection of eight (8) feet, whichever is less.

[e] Hanging signs and blade signs must have a clearance height of eight (8) feet above the sidewalk and shall not be mounted above a tenant façade.

[f] Hanging signs and blade signs may be externally or internally lit.

[3] Banner signs

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

[b] The maximum sign area shall be 100 square feet per side.

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

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

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

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

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

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

[4] Street address signage.

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

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

[5] Kiosk signage.

- [a] Freestanding signs such as Parisian-style kiosks and interactive digital kiosks shall be permitted in order to identify the promenade and individual uses located in the District to passersby on major roads at the edges of the District as well as within or leading to the promenade and to advertise local events.
- [b] The maximum kiosk sign area shall be 30 square feet, as measured on each face.
- [c] The maximum kiosk sign height shall be 16 feet above finished grade.
- [d] Kiosks may be located in a paved sidewalk area including within the public right-of-way of streets and sidewalks.
- [e] The base of the kiosk sign shall be landscaped with plants that extend a minimum of two feet in all directions unless such kiosk is located within a paved sidewalk area.

[6] Awnings and canopies.

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

[iii] The letter and logo area may be located above the canopy and shall not exceed 12 inches in height.

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

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

(f) Temporary construction and sales signage.

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

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

(g) Billboards are prohibited.

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

Section 5. This ordinance shall be in force after action or inaction by the Mayor as provided by law or an override of mayoral veto by the Council whichever is applicable, and publication according to law.

INTRODUCTION: January 25, 2021

PLANNING BOARD REVIEW: February 17, 2021

PUBLIC HEARING: February 22, 2021

ADOPTION: February 22, 2021

MAYOR'S APPROVAL: February 23, 2021

EFFECTIVE DATE: March 15, 2021

Appendix D-6: Resolution re: W Squared

WEST WINDSOR TOWNSHIP PLANNING BOARD

In the Matter of the Application of	)	FINDINGS OF FACT
AvalonBay Communities, Inc. <u>for</u>	)	AND
<u>Preliminary and Final Major Site Plan and</u>	)	CONCLUSIONS OF LAW
<u>Subdivision Approval</u> with Waivers	)	File No. PB 20-15
	)	Block 6, Lots 8, 54, 55.01 and 76, and a portion of Block 5, Lot 8.05
	)	Approval granted: October 13, 2021

Be it resolved by the Planning Board of the Township of West Windsor that the action of this Board on October 13, 2021 in this matter is hereby memorialized by the adoption of this written decision setting forth the Board's findings and conclusions.

BACKGROUND

1. The site ("Site"), consisting of approximately 25.44 acres (1,064,648 s.f.) on Block 6, Lots 8, 54, 55.01 and 76, is located in the north-central portion of the Township. It is irregular in shape and fronts on Washington Road (portions along both County Route 526/571 and local Washington Road) and Station Drive.
2. The Site is presently developed with multiple office buildings and associated parking areas. The Site was declared an area in need of redevelopment on November 2, 2005 by the West Windsor Township Council.
3. Surrounding land uses consist of a warehousing building to the northeast, a vacant portion of the SRI (formerly Sarnoff) tract to the north, a restaurant, commercial and mixed uses, bus depot, and utilities lot to the east, and the Princeton Junction Train Station and its associated parking area to the south.
4. The Site is in the RP-1 Princeton Junction Redevelopment Plan District, which permits mixed use development with a maximum of 868 residential units, of which a minimum of 95 units must be age-restricted, including assisted living facilities. A 16.5% set aside for affordable

housing is required for the first 800 residential units and a 25% set-aside of the balance of 68 units.

5. The Site is identified in the Township's Housing Element and Fair Share Plan ("HEFSP") as a site to address the Township's affordable housing obligation. A concept plan included in the HEFSP estimated that the project would include 20 affordable senior rental units, 99 affordable family rental units and 13 for-sale family units (equivalent to the 16.5% set aside of the first 800 units, as required in the RP-1 District).

PROPOSED PLAN

Site Plan

6. The Applicant proposes to remove the existing improvements on the Site and redevelop it with a mixed-use town center consisting of residential units, including age-restricted units and commercial uses. The project proposes the construction of 868 total residential units consisting of: (i) 535 multi-family, apartment units; (ii) 150 townhouses; (iii) 48 condominium flats; and (iv) 135 units within an assisted living facility. The units are distributed throughout 19 proposed residential buildings on the Site. Of these, 149 units are to be reserved for low-income and moderate-income households, which are also distributed throughout the project. Approximately 21,300 s.f. of commercial and restaurant space is to be constructed. Associated parking for all uses will be provided, including two parking garages with a total of 804 parking spaces, of which 81 garage spaces will be dedicated for the senior housing units.

7. Certain roadway and storm water improvements will be constructed with County approval to allow for the realignment of New Jersey State Route 64 and its intersection with Washington Road (both County and local portions) via a newly constructed roundabout. Approximately three acres from Block 5, Lot 8.05 (SRI) will be acquired for these purposes, new rights-of-way for realigned Route 64 and Washington Road, and land to be utilized for storm water management purposes.

8. Three different developers are anticipated for the development: (i) AvalonBay Communities, Inc., the anticipated developer for 535 residential units to be known as Avalon West and Avalon East, the approximately 21,300 square feet of commercial and restaurant space, the two parking garages, and the promenade area; (ii) Pulte Homes, the anticipated developer of

the 150 townhouses and 48 condominium flats and their associated parking areas; and (iii) Atria, the anticipated developer of the proposed 135-unit senior assisted living facility.

9. The elements of the development are summarized as follows:

Apartments and Mixed-use Promenade Area (AvalonBay Communities)

10. The mixed-use promenade area in the southerly and southeasterly portion of the Site will consist of two mixed use buildings fronting along a promenade: Avalon Building East and Avalon Building West, altogether containing 535 residential units, including 100 affordable units. This element is referred to herein as the “AvalonBay” portion of the development.

11. The ground floor of Avalon Building West will contain a work lounge area and nonresidential tenant space, in addition to residential units. The ground floor of Avalon Building East will contain a lobby/leasing/lounge area, fitness center and nonresidential tenant space. The courtyard area in Building East will include a pool. Courtyard areas in both Building East and Building West will include other tenant recreation space.

12. A 72,745 s.f. walkable promenade will be located between Avalon Building East and Avalon Building West. It will be owned and maintained privately as a public space for use by residents of the project as well as by the West Windsor community. Its design will permit temporary restriction of vehicular traffic from all or portions of it, as required by the public events to be organized and held within the space. It will contain various pedestrian amenities including benches, tables, lounge chairs, ottomans, an interactive fountain play area, and a pavilion. Parallel parking spaces are being provided along either side of the promenade’s roadway.

Other Residential Elements (Condos, Townhouses, Senior Living)

13. *Centralized Residential Condo Building (Pulte Homes).* Referred to herein as “Pulte Homes,” the residential condominium building is located at the northerly terminus of the promenade space. The ground floor of the building will contain 50 parking spaces while the remaining residential floors contain 48 condo units, including 7 affordable units. All of the units will be 2-bedroom units. Its façade will be mostly brick veneer, composite paneling, horizontal siding, and a concrete stone masonry veneer.

14. *Townhouse Building (Pulte Homes)*. The northerly portion of the development will consist of 15 townhome buildings containing 150 units, including 15 affordable units, also part of the Pulte Homes element. Ranging in size, these buildings will contain between six and 18 units: 32 are to be traditional townhomes, 118 stacked townhomes. The façades of the townhouses will generally consist of vertical siding board and batten, horizontal siding, brick veneer and panel siding.

15. *Senior Living (Atria)*. A senior living component, referred to herein as the Atria development, is proposed within the northwesterly portion of the Site and will consist of 110 assisted living units and 25 memory care units. Of these, 22 will be affordable assisted living units that will result in 27 credits against the Township's affordable housing obligation pursuant to applicable State regulations. In addition to these units, the first floor of the senior building will contain retail/doctor tenant space and shared facilities. The façade of the building will consist mostly of brick, panels and EIFS.

Parking Garages

16. Two parking garages are proposed. Parking Garage West, which is attached to Avalon Building West and the senior living building, will contain 309 parking spaces, including 81 spaces which will be available to the senior housing component (assisted living facility). Parking Garage East will be attached to and screened by Avalon Building East and is to contain 495 spaces.

Subdivision

17. The Applicant proposes to subdivide the overall property into 14 parcels to accommodate the various users, common areas and roadways.

RELIEF SOUGHT

18. The Applicant seeks preliminary and final major subdivision and preliminary and final major site plan approval for the construction of the project. Fifteen waivers are sought, including three design waivers and 12 submission waivers, as follows:

Design waivers

- From Section 200-31K(4), requiring footcandles of 0.6 in residential areas whereas 0.8 are proposed;
- From Section 100-29M(4), requiring hairpin striping whereas single line parking stalls are proposed; and
- From Section 200-36C, establishing supplemental design criteria, including the requirement to provide 3.5 acres of recreational space and certain types of recreational amenities, whereas not all such amenities are being provided.

Submission waivers

Subdivision Checklist (8 waivers)

- From Section 200-53C(8), which requires that existing and proposed electric and gas utilities be shown on the plat, whereas not all such utilities have been shown;
- From Section 200-53C(17), which requires the submission of an Environmental Impact Statement (EIS), whereas no such EIS has been provided;
- From Section 200-54C(13)(a), which requires a grading plan, whereas no such plan is being provided;
- From Section 200-54C(13)(b), which requires a final drainage plan, whereas no such plan is being provided;
- From Section 200-54C(14), which requires a copy of the preliminary approval resolution, whereas no such resolution is being provided;
- From Section 200-54C(18)(a) and (b), which require an as-built lot grading plan, whereas no such plan is being provided; and
- From Section 200-54C(17), which requires a Traffic Signage Plan, whereas no such traffic signage plan has been submitted.

Site Plan Checklist (4 waivers)

- From Section 200-13C(3)(o), which requires that existing and proposed electric and gas utilities be shown on the plat, whereas such utilities are not being shown;
- From Section 200-13C(3)(r), which requires various signage details to be provided, whereas not all such details are being provided;
- From Section 200-14C(1)(a), which requires a copy of the preliminary site plan approval resolution, whereas no such resolution is being provided; and
- From Section 200-14C(1)(b)[4], which requires sign elevations, whereas such elevations are not being provided.

19. No variance relief is requested.

THE APPLICANT

20. The Applicant is the contract purchaser and redeveloper of the Site pursuant to a June 2018 Settlement Agreement and Redeveloper's Agreement entered into by the Applicant and the Township.

NOTICE AND HEARING

21. The Applicant obtained a list of all property owners within 200 feet of the property that is the subject of this application from the West Windsor Township tax office.

22. The Applicant filed an affidavit stating that the notice was given at least ten days in advance of the hearing date to the surrounding property owners and to the public entities required to be noticed. The Applicant has also filed a proof of publication confirming that newspaper publication was made in accordance with legal requirements. Proper notice was given.

23. The notice and publication stated that the hearing would be held at the meeting of the Board scheduled for September 22, 2021. The hearing started on that date and was continued on October 6, 2021 and October 13, 2021, with no further notice being required.

24. At the hearing, the Applicant and all other interested parties were given the opportunity to present evidence and to be heard.

PLANS PRESENTED

25. At the hearing, the Board reviewed the following plans:

- Existing Conditions Plan prepared by Maser Consulting, dated February 4, 2021
- Boundary and Topographic Survey prepared by Langan, dated December 5, 2017
- Existing Conditions Plan prepared by Maser Consulting, dated November 16, 2018 (last revised December 4, 2020)
- Preliminary and Final Site Plan prepared by Maser Consulting, dated December 18, 2020 (last revised July 23, 2021)
- Final Plat Subdivision Plan prepared by Maser Consulting, dated April 23, 2021 (last revised June 25, 2021)
- Roadway Improvement Plans prepared by Maser Consulting, dated October 14, 2020
- Landscape Architecture Plan prepared by Merillo Bauer Carman Associates, dated March 4, 2021 (last revised July 23, 2021)
- Architectural and Elevation Plan (Pulte) prepared by Minno Wasko Architects and Planners, dated April 23, 2021 (last revised July 23, 2021)

- Atria Senior Living Development Plan prepared by C+TC Design Studio, dated April 23, 2021 (last revised July 23, 2021)
- East and West Building Plans prepared by LRK, dated April 23, 2021 (last revised July 23, 2021)
- Parking Plan prepared by Maser Consulting, dated December 18, 2020 (last revised June 25, 2021)
- Snow Removal Plan prepared by Maser Consulting, dated April 7, 2021
- Circulation Exhibits prepared by Maser Consulting, dated December 18, 2020 (last revised June 25, 2021)

TOWNSHIP REPORTS

26. At the hearing, the Board considered the following reports presented by Township officials and bodies and consultants to the Board:

- Memorandum from David Novak, P.P., A.I.C.P. to the Board dated August 18, 2021
- Memorandum from Francis Guzik, P.E. to the Board dated August 18, 2021
- Memoranda from Jeffrey L'Amoreaux, P.E. to the Board dated August 18, 2021 and August 20, 2021
- Memorandum from Daniel Dobromilsky, L.L.A., to the Board dated August 18, 2021
- Memorandum from Timothy M. Lynch, West Windsor Township Fire & Emergency Services to the Board dated August 18, 2021
- Memorandum from West Windsor Affordable Housing Committee to Jill Swanson, dated October 7, 2021

EXHIBITS

27. At the hearing, the Board considered the following exhibits that were introduced as evidence during the course of the hearing:

- Exhibit A-1 – PowerPoint presentation prepared by the Applicant consisting of 72 pages/slides
- Exhibit PB-1 – Sketch prepared by Jeffrey L'Amoreaux showing the location of the proposed Vaughn Drive extension
- Exhibit PB-2 – Sketch prepared by Jeffrey L'Amoreaux showing the location of an interim measure for a connection from Road A to Vaughn Drive
- Exhibit O-1 – Sketch by William Rutledge for proposed alternate roadway design

TESTIMONY AND PUBLIC INPUT

28. The testimony presented by and on behalf of the Applicant was given by the following persons:

Richard J. Hoff, Jr., Esq. represented the Applicant. Jeromie Lange, P.E., its civil engineer; Stuart Johnson, R.A., architect for the Pulte/townhome/condominium portion of the project; James Culpepper, R.A., architect for Atria (assisted living developer); Ken O'Brien, R.A., architect for the AvalonBay residential buildings; Thomas Carman, L.A. the landscape architect for the development; Maurice Rached, P.E., the traffic engineer for the development; James Mullen, representative of Pulte Homes; and Ron Ladell, representative of AvalonBay, testified on the Applicant's behalf.

29. The following Township staff and professionals gave advice to the Board at the hearing:

David Novak, P.P.; Dan Dobromilsky, L.L.A.; Francis A. Guzik, P.E.; Samuel Surtees, Land Use Manager; Jeffrey L'Amoreaux, P.E., and Gerald J. Muller, Esq. and Martina Baillie, Esq.

30. The statements of the members of the public made during the course of the hearing may be summarized as follows:

- Alison Miller of 41 Windsor Drive expressed concerns about the height and placement of signage for designated parking and snow storage interfering with parking for the affordable units. She also expressed concern about the waiver for hairpin striping for parking spaces to preserve neighbors' cars.
- William Rutledge of 19 Scott Avenue expressed concerns about traffic.
- Eugene Szewczyk of 136 Washington Road expressed concerns about traffic and flooding.
- Mario Rubbo of 6 Coventry Circle expressed concerns about traffic.
- Cammy Anico of 37 Fieldston Road expressed concerns about traffic and flooding.
- Sharon Sibilia of 217 Washington Road expressed concerns about traffic and flooding.
- Sarah Kampel of 13 Wallingford Drive expressed concerns about traffic, flooding and emergency vehicle access.
- Michael Stevens of 25 Fieldston Road expressed concerns about traffic.
- Guy Pierson of 241 Fischer Place expressed concerns about traffic and public restrooms for the promenade.
- Michael Gumkowski of 204 Washington Road expressed concerns about traffic.
- Rodica Perciali of 114 Washington Road expressed concerns about recreation for older children.
- Sean Rucewicz of 248 Fisher Place expressed concerns about traffic.
- Laura Halderman of 17 Fieldstone Road expressed concerns about traffic.
- Dorothy Holmes of 19 Wallingford Drive expressed concerns about traffic.
- Colleen Foy of 4 Manor Avenue expressed concerns about traffic and flooding.

- Courtney Coffman of 248 Fisher Place expressed concerns about traffic, flooding and emergency vehicle access.
- Zack Weale expressed concerns about traffic, flooding and additional school children.
- Kathleen Russell of 8 Coventry Circle expressed concerns about traffic and flooding.
- Martin Rossman of 10 Coventry Circle expressed concerns about additional school children and traffic.
- Raymond Gallagher of 2 Fieldston Road expressed concerns about traffic.
- Jennifer Burns of 18 Fieldston Road expressed concerns about traffic.
- Tirza Wahrman of 5 Stonelea Drive expressed concerns about flooding.
- Nimesh Patel of 11 Wallingford Drive expressed concerns about traffic.
- Michael Perciali of 114 Washington Road testified in support of the application.
- John Church of 11 Princeton Place expressed concerns about the potential impact of the project on flooding and on a state-threatened bird species, and the cost and environmental impact of the Vaugh Drive extension.

FINDINGS AND CONCLUSIONS RE: PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL

31. The Board notes that the Site is part of the Township's court-approved HEFSP prepared in accordance with a Settlement Agreement between the Township and Fair Share Housing Center, entered on October 9, 2018, as amended, setting forth the Township's affordable housing obligations. The project would create 149 affordable units as part of a mixed-use development that integrates these units throughout the development with market rate units. This backdrop of affordable housing and the Township's carefully negotiated and court-approved goals to meet its affordable housing obligations, while not dispositive of this Board's decision, sensitizes the decision making somewhat differently than an ordinary development approval would, as the Board starts with a keen interest to ensure that the project is designed in such a way as to merit approval.

32. Concern was raised by the Board that some of the bedrooms in the affordable units did not have windows, and the question of whether this was permissible was raised. The Board Attorney, in a memorandum to the Board dated August 31, 2021, advised that the matter is governed by the State Housing Code, as adopted by West Windsor, and that the Board does not have jurisdiction on this issue, as the enforcement of such housing regulations resides with the municipal health officer. The Applicant indicated that it did not agree as to the applicability of the State Housing Code.

Master Plan Goals

33. The February 2020 Land Use Plan Element of the Master Plan envisions the RP-1 Princeton Junction Redevelopment Plan District as the core of the Princeton Junction Redevelopment area, where a mix of residential, retail, office and civic space offers a sense of a village-like community that accommodates a variety of demographics, both longer term residents and a more transient population that seeks and benefits from proximity to the train station. The Board finds that the proposed development meets the Master Plan goals.

Stormwater Management

34. The proposed development is grandfathered from the NJ Stormwater Management Rules that went into effect on March 1, 2021. The New Jersey Department of Environmental Protection (“NJDEP”) has reviewed and, on May 12, 2021, approved the storm water management plans as part of its review of the Applicant’s Flood Hazard Area Individual Permit for the development. An overall site-wide decentralized storm water system is proposed, with interconnected storm water measures and two discharge points. Storm water management elements consist of eleven underground retention basins on site, one bio-retention basin, one extended detention basin, and two rain gardens on either side of condominium building, all of which are designed for the 100-year storm event. The project proposes more groundwater recharge than is required by applicable regulations. Two sets of flood hazard area verifications and individual permits were issued by NJDEP, one for the residential and non-residential uses of the project and another for the public roadway improvements proposed in connection with the project. A separate storm water management facility depicted on the County Route 526/571 roadway improvement plans would be a County-owned drainage basin for purposes of the roadway improvements.

35. Concern was expressed by members of the public that the development would increase flooding in the area, exacerbating already difficult existing conditions. In response to these concerns, Mr. Lange explained that regional flooding is attributed to the nearby Millstone River, whose flood waters back up into the Little Bear Brook watershed, overtopping Washington Road, and, at times, Alexander Road. Mr. Lange further explained that some of the more localized flooding that occurs on Washington Road when Millstone does not back up is due to the existing stormwater collection system being undersized, and that the Applicant is proposing to modernize and improve that system. Mr. Lange testified that the development’s stormwater management system will not increase flooding problems in the area as it is designed to reduce the peak flow rate from the project area, a conclusion with which the Township Engineer concurred. Accordingly, the Board finds that the storm water management elements of the proposed development are adequate and meet both local and state requirements.

Environmental considerations

36. No freshwater wetlands are located on the subject parcels, and the applicable flood hazard area has been verified by the NJDEP. A 50-foot wetlands buffer of intermediate resource value extends onto the property, for which a Letter of Interpretation (“LOI”) was issued on February 2, 2020. A deed notice with respect to the same has been recorded.

Parking

37. The project requires a total of 1,228 parking spaces, while the Applicant is proposing 1,289 spaces. Of these, 807 spaces will serve the AvalonBay buildings, 69 spaces will serve the condominium building, 330 spaces will serve the townhomes buildings and 81 spaces will serve the assisted living facility, as well as two car share service stalls. The nonresidential uses are required to provide 22 spaces and the application proposes 144 spaces, combining the garage spaces and on-street parking. The Applicant testified that the residential and nonresidential parking demands are not expected to peak at the same times, allowing for additional shared parking opportunities.

38. Eighty-six electric vehicle (“EV”) charging stalls are to be located in the AvalonBay parking garages, 50 in the East Garage and 36 in the West Garage. EV charging will be offered to each townhome owner and to each owner in the condominium building in the underground parking area. It is noted that new legislation requiring the incorporation of certain EV charging and other requirements went into effect on July 9, 2021, but is inapplicable to the present application as it was filed prior to the law becoming effective.

39. The Board finds the proposed parking provisions to be appropriate and in compliance with the parking ordinance.

Vehicular and pedestrian traffic

40. Access to the development will be provided for traffic coming from both County Route 526/571 (Princeton-Hightstown Road) and Washington Road. County Route 526/571 becomes State Route 64 over the Amtrak bridge and currently is hampered by sharp curves where it meets Washington Road. That condition will be greatly improved by the Applicant’s proposal to realign the roadway, improving the geometry and increasing capacity of the roadway intersection

by construction of a roundabout, all of which will be owned and maintained by Mercer County. A series of roads, designated Road A, Road B, Road C, Road D and Road E will be constructed to facilitate internal circulation, with Roads A and B accessing Washington Road. While the Applicant indicated that Road A and Road B should be public roads, the Board concludes that ownership of these roads is an issue to be determined by the Township.

41. The Applicant's Traffic Engineer, Mr. Rached, testified that the roundabout concept and design was the product of the Applicant working with representatives of Mercer County, the Township and New Jersey Department of Transportation ("NJDOT") to develop the realignment plan over a period of years. The Applicant has consulted with the County on reconfiguring and redesigning Route 64, County Route 526/571 and Washington Road, considering a variety of analyses, including examining the need for a signal, changing geometry and keeping it unsignalized. As a result of that investigation, the present design, which includes provision of the roundabout in lieu of a signalized intersection, was determined by the County to be the best approach. Mr. Rached indicated that the County favored the roundabout concept because it improves capacity and provides better access points. The proposed roundabout also has the capacity to handle a future secondary arterial road intersecting it as a fourth leg.

42. The seven driveways currently along Washington Road will be consolidated into two. The current driveway serving AI Industries, the owner/operator at Block 6, Lot 48 (the "AI Property"), does not have proper sight distances where it connects to Washington Road and will be reconfigured, as further described below. Mr. Rached further testified that the County approval would require seven-foot shoulders on both sides of the proposed realigned roadway for bicycle traffic, which varied from the original design of 12-foot travel lanes and 6-foot shoulders. The Applicant also agreed to work with the school district for bus stop locations.

43. A left-turn lane is proposed at the Road A/Washington Road intersection, but, in accordance with the August 24, 2021 conditional approval from the County Planning Board, left turns out onto Washington Road will be prohibited during peak hours from 7:00 -9:00AM and 4:00 -6:00 PM. During the restricted hours, west-bound traffic will need to make a right and go through the roundabout to head in the desired west-bound direction. Signage along Road A alerting motorists to the left turn prohibition, which will be enforced by West Windsor, will be provided.

44. The Applicant proposes eliminating the current driveway servicing the AI Property and relocating it to connect to Road A, which will be constructed for this development. This

proposed location for the AI access point was conditionally approved by the Mercer County Planning Board. However, counsel for AI indicated that AI desired that its sole point of access to its property remain directly from Washington Road, not with Road A. The Applicant and AI explored the potential for a relocation of the proposed AI driveway access on Washington Road, and the Applicant testified that the parties reached agreement on a concept to achieve that objective (the “Revised AI Drive”). It is understood that AI will present the Revised AI Drive plan for approval by the Mercer County Planning Board. If so approved, and if no further outside agency approval is required, the Revised AI Drive may be incorporated as part of the plan conformance review of the present Application upon review and approval of the same by the Planning Board professionals. If, however, the Revised AI Drive, is not approved or not constructed, then the original design submitted by the Applicant in this application, with the sole access point to the AI Property being from Road A, will be accepted and approved as submitted by the Applicant. The Board finds the foregoing to be an appropriate solution with respect to AI access, with the proviso that no costs associated with the construction of access to the AI property, whether through the Revised AI Drive or as currently proposed by the Applicant, shall be borne by AI. Several conditions address the foregoing understandings and agreements.

45. The Mercer County Planning Board on August 24, 2021 conditionally approved the County project and the public roadway improvements proposed.

46. The Board finds that the proposed roadway design for both public and private roadways complies with applicable ordinance standards and Residential Site Improvement Standards (RSIS) and can suitably accommodate buses, garbage trucks and emergency vehicles.

Pedestrian and bike circulation

47. Bike and pedestrian circulation is provided by internal and community pedestrian and vehicular connections, including a connection from the Site to the Princeton Junction train station (subject to NJDOT and NJ Transit approval) and to Vaughn Drive. Bicycle parking will be provided throughout the project for residents and visitors, together with sheltered bike storage for residents and public bike racks in the community.

48. Pedestrian crossings will be constructed at the roundabout and will include yield sign and pavement markings, in accordance with applicable standards.

49. The Board finds that the proposed plan offers a well-designed pedestrian and vehicular circulation plan.

Landscaping and recreational amenities

50. Mr. Carmen provided extensive testimony regarding the landscape plan for the project. Ornamental and native plants will be planted along street frontages, building façades, the promenade, stormwater basins and amenity spaces. Deciduous shade trees are to be located throughout, including a mix of maple, oak, elm and honey locust, among others. Evergreens are proposed along the edge of the stormwater basin. Foundation plantings are proposed along the AvalonBay and Atria buildings, as well as for the Pulte townhomes. The Atria and AvalonBay buildings will include courtyard areas that offer landscaping and other outdoor amenities.

51. Approximately 380 trees are to be removed, and approximately 460 replacements trees are to be planted.

52. The proposed lighting plan meets or exceeds all applicable ordinance requirements, subject to the waiver granted herein with respect to average footcandles in residential areas.

53. The promenade incorporates a flexible design. For example, Roadways D and E around the promenade may be altered or closed to allow for specific events, while still facilitating vehicular and pedestrian circulation. Theater-type seating will be constructed, taking advantage of the natural 6-foot grade change within the Site, with four different terraced seating areas being provided, including an area to set up a stage on a lower portion and amphitheater/sitting steps proposed within the north plaza. An open-air pavilion and a large lawn area offer other outdoor amenities that lend themselves to different uses. Sidewalks are designed in a meandering configuration and will be handicapped accessible and ADA-compliant, as will be the sloped walkway within the promenade. The proposed tree grove within the promenade offers a shaded area and additional seating, while trees and paving patterns offer definition and creative design elements in the area. A splash pad that can be switched on and off as needed is proposed. Bicycle racks, benches, seat walls, and other elements to enhance the pedestrian experience will be provided in the rear area of the promenade.

54. Electric and water service are being brought into the pavilion, although no public restrooms will be offered, an aspect that raised concern among several Board members in light of the intended use of the promenade for public events. While the inclusion of public restrooms

may be desirable and appropriate given the intended use of the promenade, the RP-1 District regulations do not require it and the Applicant provided testimony as to the practical difficulties with providing and managing such public facilities. On the other hand, the Applicant agreed as a condition of approval to provide potable water stations/fountains on the promenade.

55. The Redevelopment Agreement gives the public the right to use the promenade for various activities. The Applicant retains ownership of the promenade property and maintenance responsibilities, and will appoint a company liaison to maintain contact with Township representatives regarding the use of the promenade.

Utilities and recycling

56. Domestic water servicing the development will be provided by New Jersey American Water based on estimated demand of approximately 121,900 gallons per day (gpd). A water main is proposed to extend from an existing 12-inch main on Washington Road.

57. Public sanitary sewer will serve the project at a projected net demand of 183,126 gpd. An 8-inch (8") PVC gravity system is proposed throughout the project and will connect to an existing 24-inch interceptor in Washington Road.

58. With respect to recycling and waste disposal, compactor-driven dumpsters with roll off units that will be removed and replaced as needed through the use of a private hauler are to be provided for the AvalonBay buildings. The townhouse and stacked townhomes contain garbage bins in their garage areas and are to be wheeled curbside by residents. Refuse collection in the 48-unit condominium buildings is done internally, with containers to be wheeled out for pick up on designated collection days.

Condo Building and Townhouses (Pulte)

59. Stuart Johnson, R.A. provided testimony with respect to the Pulte component of the project (condominium apartments and townhouses). That element will include 15 three-story townhome and/or stacked townhouse buildings ranging from six to 18 units per building. The townhouses will consist of 150 units, including 15 affordable units. The front doors of the townhomes will face Road A, Road B and Road C, with the garage doors located in the rear of the buildings.

60. The 48-unit condominium building will provide 24 tandem parking spaces assigned to the same building. Some units within the condominium building will have balconies. The proposed size of the affordable units complies with the applicable Township ordinance. The affordable units shall be for-sale units.

61. With respect to bicycle storage, the condominium building will have internal storage for residents of the condominium building while the townhomes have space within the garage areas.

62. All of the condominium building, stacked townhomes and traditional townhomes will have some level of fire sprinklers. While the traditional townhomes do not require fire suppression pursuant to the building code, Pulte agreed to incorporate it.

Age Restricted Building (Atria)

63. The 135-unit facility will include 25 memory care units that serve 32 residents (as certain units allow for dual occupancy). The building will provide 2,100 square feet of outdoor area, which will be secured.

64. Mr. Culpepper provided testimony establishing that the architectural aspects of the Atria building comply with the RP-1 District regulations.

AvalonBay Buildings

65. Kenneth O'Brien, R.A. provided testimony with respect to the AvalonBay element of the project. Avalon West will consist of 159 units of which 126 will be market rate and 33 affordable units. Avalon East will consist of 376 units of which 309 are to be market rate units and 67 affordable units.

66. Parking for the Avalon units will be provided by two parking garages:

- a. The West Garage will contain 309 spaces, including 50 EV charging spaces and will share parking with the Atria building. In the West Garage, 81 spaces will be available to the Atria building and 228 spaces for the Avalon residents. Within the West Garage, 11 resident bike parking spaces will also be provided.
- b. The East Garage will contain 495 spaces, 60 of which would be shared public access spaces. It will include 29 resident bike parking spaces and 36 EV charging stations.

67. Mr. O'Brien provided testimony establishing that the architectural aspects of the AvalonBay buildings comply with the RP-1 District regulations.

Objector

68. As noted above, the Applicant proposes eliminating the current driveway servicing the AI property and relocating it to access Road A, which will be constructed for this development. Counsel for AI, Richard Fornaro, Esq., on behalf of his client, objected in writing to this proposed relocation. Discussions subsequently took place between AI and the Applicant as to an alternative solution whereby AI will propose a direct single access point on Washington Road, which plan will be submitted to the County for approval. The terms of the agreement reached are described above and incorporated as Condition 73z(ii). As a further condition of approval, the Applicant agreed to ensure continued uninterrupted access to the AI site throughout its construction of the project.

69. Findings and conclusions re: preliminary and final major site plan approval. The Board finds that, with the waivers granted and conditions imposed, the Applicant has met all Township major site plan standards. Preliminary and final major site plan approval, accordingly, are granted.

FINDINGS AND CONCLUSIONS RE: PRELIMINARY AND FINAL MAJOR SUBDIVISION APPROVAL

70. Mr. Lange, the Applicant's engineer, testified that the subdivision plan will facilitate the implementation of the mixed-use plan by accommodating the various uses, common areas and roadway more efficiently. The Board finds the proposed subdivision plan to be reasonable and appropriate.

71. Findings and conclusions re: preliminary and final major subdivision approval. The Board finds that, with submission waivers granted and conditions imposed, the Applicant has met all Township major subdivision standards. Preliminary and final subdivision approval, accordingly, are granted.

FINDINGS AND CONCLUSIONS RE: WAIVERS

72. The application necessitates 15 waivers, consisting of three design waivers and 12 submission waivers. The waivers and Board's action on them are as follows:

Design waivers

a. Waiver. From Section 200-31K(4), which requires an average intensity in footcandles of 0.6 in residential areas, whereas an average of 0.8 footcandles is proposed.

Waiver granted. The proposed lighting will result with a better-lit, safer site but not an overly-lit site, and no increased negative impact is anticipated from the proposed lighting plan, which meets the Illuminating Engineering Society's guidelines for residential development. The Board notes that the lighting standards did not set a maximum footcandle average, and a higher average may therefore be appropriate in certain circumstances, including the present application. Literal enforcement of this requirement would exact undue hardship upon the Applicant, since it would require the Applicant to redesign the lighting plan, which is not feasible without potentially impacting the safety of the site or compromising appropriate levels of visibility. For the foregoing reasons, the Board finds this waiver request to be reasonable and within the general purpose and intent of the Ordinance, which is to provide adequate and safe lighting, and such lighting is being provided. This waiver is therefore granted.

b. Waiver. From Section 200-29M(4), which requires double spaced hairpin striping for parking spaces at 18 inches center-to-center, whereas four-inch single white striping is proposed.

Waiver granted. The parking spaces within the development are intended for long term parking which generate less turnover and therefore less vehicular movement. The only short-term parking is parallel parking stalls, which are not typically striped with hairpin striping. Literal enforcement of this requirement would exact undue hardship upon the Applicant since it would require it to redesign the parking plan and eliminate parking spaces, without a corresponding benefit with respect to safety. For the foregoing reasons, the Board finds this waiver request to be reasonable and within the general purpose and intent of the Ordinance, which is to provide adequate and safe parking, and adequate and safe parking is being provided. Accordingly, this waiver is granted.

c. Waiver. From Section 200-36C, establishing supplemental design criteria, including the requirement to provide 3.5 acres of recreational space and certain types of recreational amenities, whereas not all such amenities are being provided.

Waiver granted. The proposed development meets the provisions of the RP-1 Zoning Regulations, including the construction of the promenade, a unique public and private amenity consisting of an amphitheater-style seating area, a collection of plazas to host public and private events, small and large, and substantial landscaping throughout the area to create an inviting, aesthetically pleasing environment for all. Literal enforcement of this requirement would exact undue hardship upon the Applicant since it would require installation of facilities that could not be accommodated in the plan as presently designed, whereas as several outdoor amenities are already being provided, as contemplated by the RP-1 Zoning requirements. For the foregoing reasons, the Board finds this waiver request to be reasonable and within the general purpose and intent of the Ordinance, which is to ensure that certain developments provide adequate recreational elements and amenities, and such elements and amenities are being provided. This waiver is therefore granted.

Submission waivers

d. Twelve submission waivers are sought as described below. The Board finds these waiver requests to be reasonable and within the general purposes and intent of the Ordinance for the reasons set forth below. Literal enforcement of these requirements would exact undue hardship upon the Applicant by requiring information that either does not pertain to this application or that is being provided by the Applicant at the appropriate time. Accordingly, these waivers are granted.

Subdivision checklist (8 waivers)

1 Waiver: From Section 200-53C(8), which requires that existing and proposed electric and gas utilities be shown on the plat, whereas not all such utilities have been shown.

Waiver granted: The layout of existing and proposed electric and gas utilities is subject to the design of the respective utility companies. Showing these utilities is a condition of approval.

2 Waiver: From Section 200-53C(17), which requires the submission of an EIS, whereas no such EIS has been provided.

Waiver granted: The Applicant agreed as a condition of approval to provide a copy of the proposed remediation plan from the LSRP.

3 Waiver: From Section 200-54C(13)(a), which requires a grading plan, whereas no such plan is being provided.

4 Waiver: From Section 200-54C(13)(b), which requires a final drainage plan, whereas no such plan is being provided.

5 Waiver: From Section 200-54C(14), which requires a copy of the preliminary approval resolution, whereas no such resolution is being provided.

6-7 Waivers: From Sections 200-54C(18)(a) and (b), which require an as-built lot grading plan, whereas no such plan is being provided.

8 Waiver: From Section 200-54C(17), which requires a Traffic Signage Plan, whereas no such traffic signage plan has been submitted.

Waiver granted. This item relates to a situation where preliminary and final major subdivision approval are sought separately, whereas concurrent approvals are sought in this application.

Waiver granted. This item relates to a situation where preliminary and final major subdivision approval are sought separately, whereas concurrent approvals are sought in this application.

Waiver granted. This item relates to a situation where preliminary and final major subdivision approvals are sought separately, whereas concurrent approvals are sought in this application.

Waiver granted. This item relates to a situation where preliminary and final major subdivision approval are sought separately, whereas concurrent approvals are sought in this application.

Temporary waiver granted. This item relates to a situation where preliminary and final major subdivision approval are sought separately, whereas concurrent approvals are sought in this application. A condition of approval is that the Applicant provide a full traffic signage and striping plan.

Site Plan checklist (4 waivers)

9 Waiver: From Section 200-13C(o), which requires that existing and proposed electric and gas utilities be shown on the plat, whereas such utilities are not being shown.

10 Waiver: From Section 200-13C(3)(r), which requires various signage details to be provided, whereas not all such details are being provided.

Waiver granted. The layout of existing and proposed electric and gas utilities is subject to the design of the respective utility companies. Showing these utilities is a condition of approval.

Temporary waiver granted. A condition of approval is that the Applicant provide a full traffic signage and striping plan.

11 Waiver: From Section 200-14C(1)(a), which requires a copy of the preliminary site plan approval resolution, whereas no such resolution is being provided.

12 Waiver: From Section 200-14C(1)(b)[4], which requires sign elevations, whereas such elevations are not being provided.

Waiver granted. This item relates to a situation where preliminary and final major site plan approvals are sought separately, whereas concurrent approvals are sought in this application.

Waiver granted. This item relates to a situation where preliminary and final major site plan approvals are sought separately, whereas concurrent approvals are sought in this application.

CONDITIONS REQUIRED

73. The Board finds that, in order to address the concerns expressed during the course of the hearing and to limit the relief to that reasonably necessary to satisfy the Applicant's legitimate requirements, the relief granted is subject to the following conditions:

Site plan and subdivision

- a. The site plan shall be implemented in the manner consistent with Exhibit A-1, except where inconsistent with the plans approved by the Board or any other condition.
- b. Utilities shall be shown on the final site plan.
- c. The subdivision plat shall conform to the Title Recording Act.
- d. The zoning data table shall be annotated to show that although approval for 79.9% impervious coverage is being requested, the actual impervious cover reflected by the site plans being approved by the Board is 71.5%. Storm water management and collection systems shall be designed based on the higher value.

Landscaping & Environmental

- e. The Applicant shall provide a copy of the proposed site Remediation Plan from the LSRP, which shall be subject to review by the Township Engineer. If the remediation

plan submitted conflicts with the site plans such as to require amended approval, then the Applicant shall return to the Board for such amended approval.

f. Public drinking water fountains shall be installed on the promenade.

Traffic, circulation, and parking

g. The Applicant shall, as part of resolution compliance, provide a full traffic signage and striping plan identifying restrictions and prohibitions to be enforced under Title 39, subject to the review and approval of the Township Engineer and traffic consultant.

h. The Applicant shall arrange for requests to the Township for Title 39 enforcement, either for the project as a whole or from the developer of each segment of the project.

i. The Applicant shall provide 10-scale enlargements of designs for all barrier-free ramps/parking spaces and building access areas.

j. The Applicant shall cooperate with the Township and other state agencies, including New Jersey Transit and NJDOT, with respect to the establishment of alternate access via an interim Road A connection to the Transit parking lot and the proposed Vaughn Drive extension.

k. The Applicant shall provide seven-foot bicycle lanes/shoulders on Washington Road unless such plans are modified by Mercer County, which has jurisdiction over such Washington Road improvements.

l. Long-term parking on Road B shall be limited such that it is available for non-residential uses, subject to the review and approval by the Township Engineer.

Stormwater management

m. Construction of any areas tributary to Basin F shall not begin until Basin F is constructed and stabilized.

n. A revised BMP Maintenance Manual shall be provided, subject to the approval of the Township Engineer.

o. Homeowners' Association documents shall be subject to review and approval by the Township Engineer and Board Attorney with respect to the assignment or allocation of responsibility for various storm water management facilities among the developers or owners.

p. The Applicant shall revise the Redeveloper's Agreement with the Township in accordance with Section 200-105.1, requiring the installation and maintenance by the Applicant and its successors of all stormwater management improvements proposed and approved (excluding the basin that the County will be responsible for), and the filing of annual inspection and maintenance reports with the Township. Such agreement shall be subject to the review of the Township Engineer and Redevelopment Attorney with approval by Township Council.

Utilities

q. The Township sewer interceptor in this area of Washington Road shall be monitored by the Applicant during construction due to the extent of construction activity that will be happening near and over the top of it.

r. The Applicant shall submit to the Township Engineer a Treatment Works Approval application showing the sewer allocation amounts requested for the project. It will be submitted to the Township Council for resolution approval.

Emergency services

s. The number and location of any fire hydrants required on the site shall be subject to review and approval of the Fire Official.

Affordable housing

t. The Applicant shall comply with all requirements of the Uniform Housing and Affordability Controls, *N.J.S.A. 5:80-26.1, et seq.*, except as modified by the terms of the Redeveloper Agreement and the RP-1 Zoning regulations.

u. The signage for the designated parking spaces for the affordable units in the condo building requiring surface parking spaces shall be marked with above ground post signs clearly indicating that the spaces are reserved for the affordable units.

v. Signage for affordable unit parking in the townhouse section shall be provided above ground clearly indicating that the parking is reserved for affordable units.

Other

w. The lease agreements for units with mezzanines shall provide that the mezzanines may not be used as bedrooms.

x. Block and Lot numbers for the parcels to be created shall be subject to the review and approval of the Township Engineer.

y. Street names and unit numbering shall be subject to the review and approval of the Township Engineer, the local US Postmaster and Emergency Services.

z. With respect to the AI Property:

- i. Access to the AI property (Block 8, Lot 54) shall be maintained at all times during construction.
- ii. The Application proposes eliminating the current driveway servicing the AI Property and relocating it on Road A, which will be constructed for this development. The proposed location for the AI access point was conditionally approved by the Mercer County Planning Board. However, counsel for AI indicated that AI desired that its sole point of access to its property remain directly from County Route 526/571, not on Road A. The Applicant and AI explored the potential for a relocation of the proposed AI driveway access on Washington Road, and the Applicant testified that the parties reached agreement on a concept to achieve that objective, namely the Revised AI Drive. It is understood that AI will present the Revised AI Drive plan for approval by the Mercer County Planning Board. If so approved, and if no further outside agency approval is

required, the Revised AI Drive may be incorporated as part of the plan conformance review of the present application upon review and approval of the same by the Planning Board professionals. If, however, the Revised AI Drive is not approved, or not constructed, then the original design submitted by the Applicant in this application, with the sole access point to the AI Property being from Road A, will be accepted and approved as submitted by the Applicant. AI will not be responsible for the cost of the above-referenced improvements.

aa. The Applicant shall provide a copy of the agreement with the County with respect to the transfer of the Washington Road right-of-way.

bb. The Applicant shall provide metes and bounds descriptions for each parcel to be created and all easements and dedications to be granted, along with closure calculations, subject to review and approval by the Township Engineer and Board Attorney.

cc. The Applicant shall provide two engineer's estimates for probable construction costs, one to include all site improvements for purpose of establishing the required construction inspection escrow fees and the other to establish the required performance guarantee amount.

dd. If construction cost estimates are submitted for bonding and inspection fees and they are allocated among different developers/parties, the Applicant shall clarify which party is responsible for which portion.

ee. The following approvals shall be obtained:

- Mercer County Planning Board
- Mercer County Soil Conservation District
- Delaware and Raritan Canal Commission
- NJDEP (TWA Permit) (FHA Permit received)

CONCLUSION

Based on the foregoing, the Board at its October 13, 2021 meeting voted to approve the plans with revisions made therein and as supplemented and modified by the exhibits

and to grant the relief identified above subject to the conditions and to be revised in accordance with the conditions set forth herein.

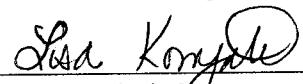
This resolution of memorialization was adopted on November 10, 2021 by a vote of those who voted to grant the relief sought by the Applicant.

The date of decision shall be October 13, 2021 except that the date of the adoption of this memorializing resolution is the date of decision for purposes of (1) mailing a copy of the decision to the applicant within 10 days of the date of the decision; (2) filing a copy of the decision with the administrative officer; and (3) publication of a notice of this decision. The date of the publication of the notice of decision shall be the date of the commencement of the vesting protection period.

We do hereby certify that the foregoing resolution was adopted by the Planning Board at its regular meeting held on November 10, 2021. This resolution memorializes formal action taken by the Board at its regular meeting held October 13, 2021.



Gene R. O'Brien, Chair



Lisa Komjati, Secretary

Gene O'Brien, Chair – Yea
Michael Karp, Vice Chair – Yea
Sue Appelget – Absent
Anis Baig – Absent
Linda Geevers – Yea
Curtis Hoberman – Yea
Hemant Marathe – Yea
Simon Pankove – Absent
Allen Schectel – Absent
Jyotika Bahree, Alternate II – Absent
Saju Joseph, Alternate II – Absent

Appendix D-7: Resolution re: Woodmont Way

WEST WINDSOR TOWNSHIP PLANNING BOARD

In the Matter of the Application of Woodstone at West	)	FINDINGS OF FACT
	)	AND
Windsor for Preliminary and Final Major Site Plan and	)	CONCLUSIONS OF LAW
)	
Subdivision Approval with Waivers	)	File No. PB-17-08
	)	Block 7, Lot 61.02
)	
	)	Approval Granted:
	)	June 13, 2018
)	

Be it resolved by the Planning Board of the Township of West Windsor that the action of this Board on June 13, 2018 in this matter is hereby memorialized by the adoption of this written decision setting forth the Board's findings and conclusions.

RELIEF SOUGHT AND JURISDICTION

1. The applicant filed an application with the Township to construct a multi-family inclusionary development.

2. The subject of this application is within the jurisdiction of this Board. The Board acted within the time required by law.

3. The street address of the property is Wheeler Way and Canal Pointe Blvd.

4. The property is located in an area designated on the West Windsor Township Zoning Map as the R-5A zoning district.

THE APPLICANT

5. The applicant is Woodstone at West Windsor, LLC. The property owner is the Princeton Theological Seminary. The applicant has or will have a long term ground lease for the subject property.

NOTICE

6. The applicant obtained a list of all property owners within 200 feet of the property that is the subject of this application from the West Windsor Township tax office.

7. The applicant filed an affidavit stating that notice of the hearing was given at least ten days in advance of the hearing date to the surrounding property owners and to the public entities required to be noticed. The applicant has also filed a proof of publication confirming that newspaper publication for the hearing was made in accordance with legal requirements. Proper notice was given.

8. The notice and publication stated that the hearing would be held at the meeting of the Board scheduled for May 9, 2018. It was held at such meeting and was continued to and also heard on June 6, 2018 and June 13, 2018.

THE HEARING

9. The public hearing on the application was heard on the date for which it was noticed. At the hearing, the applicant and all other interested parties were given the opportunity to present evidence and to be heard.

PLANS PRESENTED

10. At the hearing, the Board reviewed the following plans:

- Plans entitled "Preliminary/Final Major Site Plan, Woodstone at West Windsor, Block 7, Lot 61.02, Township of West Windsor, Mercer County, New Jersey," 32 Sheets total, prepared by MidAtlantic Engineering Partners, LLC, dated June 8, 2017, revised through February 27, 2018

- Plans entitled “Plan of Subdivision for Princeton Theological Seminary West Windsor Campus, Lot 61.02, West Windsor Township, Mercer County, New Jersey,” 1 Sheet total, prepared by ACT Engineers, Inc., dated October 30, 2017
- Plans entitled “Boundary & Topographic Survey, Block 7, Lot 61.01, Block 7.02, Lot 1, Township of West Windsor, Mercer County, New Jersey,” 3 Sheets total, prepared by MidAtlantic Engineering Partners, LLC, dated June 20, 2016
- Plans entitled “Woodstone at West Windsor, Block 7, Lot 61.01 (formerly 58.01 & 61), Block 7.02, Lot 1, Aerial Exhibit, West Windsor Township, Mercer County, New Jersey,” 1 Sheet total, prepared by MidAtlantic Engineering Partners, LLC, dated June 8, 2017
- Plans entitled “Tree Survey Exhibit, Block 7, Lot 61.01, Block 7.02, Lot 1, Township of West Windsor, Mercer County, New Jersey,” 2 Sheets total, prepared by MidAtlantic Engineering Partners, LLC, dated June 8, 2017
- Plans entitled “Turning Analysis Plan, Woodstone at West Windsor, Block 7, Lot 61.02,” 5 Sheets total, prepared by MidAtlantic Engineering Partners, LLC, dated October 31, 2017, revised through February 27, 2018
- Plan entitled “Golf Course Safety Zone Exhibit,” prepared by MidAtlantic Engineering Partners, LLC, dated February 27, 2018 with article entitled “Forensic Architect’s Investigation of Golf Course Safety,” prepared by Michael S. Johnstone, AIA, dated December 2009
- Architectural Plans entitled “Woodstone at West Windsor, Township of West Windsor, Mercer County, NJ,” 43 Sheets total, prepared by VLBJR+ Architecture, dated June 8, 2017
- Plans entitled “Existing Conditions” and “Conceptual Roadway Improvements” – Meadow Road and Canal Pointe Boulevard, prepared by Shropshire Associates LLC, dated October 25, 2017
- Architectural Plan entitled “Sun Study - Woodstone at West Windsor, Township of West Windsor, Mercer County, NJ,” 1 Sheet total, prepared by VLBJR+ Architecture, undated and unsigned

TOWNSHIP REPORTS

11. At the hearing, the Board considered the following reports presented by Township officials and bodies and consultants to the Board:

- March 13, 2018 memorandum from Francis A. Guzik, P.E. to the Board
- March 12, 2018 memorandum from David Novak, P.P. to the Board and the Planning Department
- March 13, 2018 memorandum from Dan Dobromilsky, P.L.A. to the Board
- March 6, 2018 and May 18, 2018 memorandum from James L. Kochenour, P.E. to Samuel J. Surtees
- March 12, 2018 memorandum from Christopher P. Jepson, P.E. to the Board
- February 28, 2018 memorandum from James V.C. Yates to Chairperson, Planning Board
- Memorandum from Site Plan Review Advisory Board to the Board, undated
- February 19, 2018 memorandum to Gene R. O'Brien from Affordable Housing Committee

EXHIBITS AND APPLICANT'S REPORTS

12. At the hearing, the Board considered the following reports prepared by the applicant's consultants and advisors and the following exhibits that were introduced as evidence during the course of the hearing:

- Exhibit A-1 – Booklet with colored photographs and plans
- Exhibit A-2 – Aerial photograph of area with proposed development and property boundaries superimposed, on presentation board
- Exhibit A-3 – Existing Conditions, 2012 (first page of Exhibit A-1), on presentation board
- Exhibit A-4 – Existing Conditions, current, on presentation board
- Exhibit A-5 – Site Rendering (second page of Exhibit A-1), on presentation board

- Exhibit A-6 – Blown up rendering (third page of Exhibit A-1), on presentation board
- Exhibit A-7 – July 1, 2016 rendering of project
- Exhibit A-8 – Sheet 3 of plan site
- Exhibit A-9 – Golf Course Zone Safety Exhibit
- Exhibit A-10 – Photographs of existing of Golf Club buffer
- Exhibit A-11 – Site Plan key plan with arrows showing location of perspectives shown on Exhibit A-12
- Exhibit A-12 – 3-D rendering entitled “Exterior View #4”
- Exhibit A-13 – 3-D rendering entitled “Exterior View #3”
- Exhibit A-14 – First floor plan of certain buildings
- Exhibit A-15 – 3-D rendering entitled “Exterior View #2”
- Exhibit A-16 – 3-D rendering entitled “Exterior View #1”
- Exhibit A-17 - Partial floor plan of Buildings 1 and 2
- Exhibit A-18 – Sun study
- Exhibit A-19 – Front elevation of Building-type C
- Exhibit A-20 – Front elevation of Building-type E
- Exhibit A-21 – Materials board
- Exhibit A-22 – Front elevation of Building-type F
- Exhibit A-23 – Front elevation of Building-type D
- Exhibit A-24 – Rear elevation of Building-type C, which faces Canal Pointe Blvd.
- Exhibit A-25 – Rear elevation of Building-type D, which faces Canal Pointe Blvd.
- Exhibit A-26 – Unit Matrix
- Exhibit A-27 – Conceptual Roadway Improvement Plan
- Exhibit A-28 – Parking Distribution Plan
- Exhibit A-29 – June 5, 2018 Kochenour email agreeing with Guzik comments
- Exhibit A-30 – Plan with built parking spaces in blue and not built in orange – Site Layout Striping and Signage Plan (part of Princeton Theological Seminary site)
- Exhibit A-31 – Plan with built parking spaces in blue and not built in orange – Site Layout Striping and Signage Plan (second part of Princeton Theological Seminary site)

- Exhibit A-32 – Sheets for another Woodstone development showing fees among other things
- Exhibit A-33 – Enlarged parking plan
- Exhibit A-34 – Colored rendering of monument sign
- Report entitled “Stormwater Management Report for Woodstone at West Windsor, Block 7, Lot 61.01 (formerly 58.01 & 61), Block 7.02, Lot 1, West Windsor Township, Mercer County, New Jersey,” prepared by MidAtlantic Engineering Partners, LLC, dated June 8, 2017, last revised February 27, 2018
- Report entitled “Environmental Impact Statement for Woodstone at West Windsor, Block 7, Lot 61.01 (formerly 58.01 & 61), Block 7.02, Lot 1, , West Windsor Township, Mercer County, New Jersey,” prepared by MidAtlantic Engineering Partners, LLC, dated May 9, 2017
- Document entitled “Affordable Housing Compliance Statement – Woodstone at West Windsor, LLC – Site Plan Application – Block 7, Lot 61.02,” submitted to Board on June 13, 2018
- Deed of Consolidation dated February 10, 2017 recorded with the Mercer County Clerk on February 26, 2017, consolidating previous Block 7, Lot 61.01, Block 7.02, Lot 1 and previously vacated rights-of-way into new Block 7, Lot 61.02
- Document entitled “Operation & Maintenance Manual for Stormwater Management Facilities for Woodstone at West Windsor – Block 7, Lot 61.02 – West Windsor Township, Mercer County, New Jersey,” prepared by MidAtlantic Engineering Partners, LLC, dated October 31, 2017
- Document entitled “Description of a Variable Width Utility Easement Through Existing Block 7, Lot 61.02 on Proposed Lot ”A” – West Windsor Township, Mercer County, New Jersey,” prepared by ACT Engineers, dated October 30, 2017
- Document entitled “Description of a Variable Width Utility and Access Easement Through Existing Block 7, Lot 61.02 on Proposed Lot “B” – West Windsor Township, Mercer County, New Jersey,” prepared by ACT Engineers, Inc., dated October 30, 2017

- Documents entitled “Parcel Map Check Report” prepared by ACT Engineers, Inc., for each of the following:
 - “Parcel A,” dated October 13, 2017
 - “Parcel B,” dated October 13, 2017
 - “Parcel Utility Easement,” dated October 31, 2017
 - “Parcel Access and Utility Easement,” dated October 31, 2017
- Document entitled “Proposed Lot “A” – Being a Part of Existing Block 7, Lot 61.02 – West Windsor Township, Mercer County, New Jersey,” prepared by ACT Engineers, Inc., dated January 9, 2018
- Document entitled “Proposed Lot “B” – Being a Part of Existing Block 7, Lot 61.02 - West Windsor Township, Mercer County, New Jersey,” prepared by ACT Engineers, Inc., dated January 9, 2018
- Document entitled “Anti-Seep Collar Calculations,” prepared by MidAtlantic Engineering Partners, LLC dated January 9, 2018
- Document entitled “100 Year Storm Pipe Capacity Analysis – Woodstone at West Windsor – Block 7, Lot 61.02 – Township of West Windsor, Mercer County, New Jersey,” prepared by MidAtlantic Engineering Partners, LLC dated January 10, 2018
- Soil Investigation and Infiltration Testing report prepared by Underwood Engineering Company, dated December 28, 2017
- Response letters prepared by MidAtlantic Engineering Partners dated November 3, 2017 and January 12, 2018
- Response letters prepared by Shropshire Associates, LLC dated November 1, 2017 and January 10, 2018
- June 5, 2018 letter from Nathan B. Moseley, P.E. to Township of West Windsor, Division of Land Use
- Exhibit PB-1 – Six Guzik photographs of pervious pavements at Princeton Terrace

TESTIMONY AND PUBLIC INPUT

13. The testimony presented by and on behalf of the applicant and advice by Board consultants were given by the following persons:

Henry L. Kent-Smith, Esq. represented the applicant. Stephen Santola, its Executive Vice President and General Counsel; Gregory Domalewski, P.E., its civil engineer; Victor L. Barr, Jr., its architect; Nathan B. Mosely, P.E., its traffic engineer; Herman Martinez, Princeton Theological Seminary facilities manager; John Gilmore, Princeton Theological Seminary Vice President; and Arthur J. Corsini, Jr., a principal member of the applicant testified on the applicant's behalf.

The following Township staff and professionals gave advice to the Board at the hearing: Francis A. Guzik, P.E.; Joseph H. Burgis, P.P.; Dan Dobromilsky, P.L.A.; James L. Kochenour, P.E.; Christopher B. Jepson, P.E., and Gerald J. Muller.

14. The statements of the members of the public made during the course of the hearing may be summarized as follows: Alison Miller discussed the need for snow storage in a manner that will not lose parking spaces; the installation of a pickleball court; and confirmation that there would be no amenity fee for the affordable units and no bicycle parking fee. John Church asked what a "tax subdivision" was and urged the use of 3-D renderings as early in the process as possible. Miguel Vivarro discussed the need for recreational trails; the fact that permeable surfaces help mitigate the heat island effect; the mechanics of installing conduit for solar; and the appropriateness of using the basins for snow storage.

FINDINGS AND CONCLUSIONS RE: PRELIMINARY AND FINAL SUBDIVISION APPROVAL

15. Nature of application. The subject property is a 68.38 acre tract originally consisting of Block 7, Lot 61.01 and Block 7.02, Lot 1, which were consolidated into new Block 7, Lot 61.02 in February, 2017. The applicant now proposes to subdivide the consolidated lot into Lot A, consisting of 44.617 acres and on which the Princeton Theological Seminary graduate student apartments are located, and Lot B, the 23.763 acre parcel that is the subject of this application. Both lots will continue to be owned by Princeton Theological Seminary, and the applicant will hold a ground lease for Lot B. The subdivision is being proposed because the graduate student housing on Lot A is tax exempt, while the applicant's development, on Lot B, is taxable. The subdivision is necessary so that the Tax Assessor could appropriately tax the overall tract.

The application does not present any subdivision issues.

16. Conclusion re subdivision approval. The Board finds that, with the waivers granted and the conditions imposed, the applicant has met all Township subdivision standards. Preliminary and final subdivision approval is, accordingly, granted.

FINDINGS AND CONCLUSIONS RE: PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL

17. Nature of application. The tract is bounded on the northwest by the Delaware and Raritan Canal, on the northeast by the Colonnade Pointe residential development, and on the southwest by the Princeton Country Club. The property fronts on Canal Pointe Boulevard and Wheeler Way and backs up to the Delaware and Raritan Canal. The majority of the rear of the property (formerly Block 7, Lot 61.01) is currently developed with the Princeton Theological Seminary student housing campus.

The applicant is applying for preliminary and final site plan approval in order to construct 12 apartment buildings containing a total of 443 residential units with a 20% affordable set aside (89 units). One hundred fourteen of the units will be one bedroom, 295 two bedroom, and 34 three bedroom. With respect to the affordable set aside, 17 of the units will be one bedroom, 54 two bedroom, and 18 three bedroom. In addition to the 12 apartment buildings, the site plan also proposes three detached garage building units, a maintenance building, and a clubhouse with swimming pool. Other amenities include a playground, volleyball court, bocce ball court, outdoor barbecue area, dog walk, and a trash compactor/recycling area. The applicant is proposing to construct 793 parking spaces, in addition to the 328 existing Seminary parking spaces with 33 additional parking spaces on Loetscher Place to be shared between the applicant and the Seminary. The plans show an additional 84 banked parking stalls.

The site plan raised a number of issues, primarily relating to the use of pervious surfaces, addressed in the Waiver section, parking, and circulation. Questions were raised about the sufficiency of the parking and whether proposed banked spaces should be constructed. A related question was whether six proposed spaces should be removed from Emmons Drive because of sight line problems. The Board is satisfied that the number of spaces proposed to be paved is sufficient and that the banked spaces will be converted into usable

spaces as necessary. It is also satisfied that the six Emmons Drive spaces should be removed from the plans as per Condition 23n.

The Board is also satisfied that, with the modifications to the circulation plan, particularly the vacation of Farber Road and the extension of Loetscher Place to the existing Canal Pointe Blvd./ Wheeler Way-Meadow Road intersection, the circulation plan should work satisfactorily.

18. Conclusion re site plan approval. The Board finds that, with the waivers granted and conditions imposed, the applicant has met all Township site plan standards. Preliminary and final major site plan approval, accordingly, is granted.

FINDINGS AND CONCLUSIONS RE: WAIVERS

19. The application necessitates eleven waivers. The waivers and the Board's action on them are as follows:

a. Waiver: From Section 200-36C, which requires specified recreational elements, while the application is deficient in playground size, toddler play lot size, older children's play lot size, play elements (swing, slide, play elements, and benches required while a swing with four seats and two benches is proposed), and tennis court (four tennis courts required while none proposed).

Waiver granted: The applicant has proposed a recreation package geared to the population it intends to serve, including a pool with barbecue pits, bocce courts, volleyball courts, fitness equipment in the clubhouse, and a playground, with Condition 23cc providing that additional playground equipment can be added as necessary at the applicant's sole discretion. Given this, the waiver request is reasonable. The recreation package meets the intent and purpose of the recreation requirements by providing appropriate recreational opportunities for the residents. That is enhanced by the fact that the Delaware and Raritan Canal towpath, to which the Township will seek public access through the Princeton Golf Course, a public course, is adjacent to the tract. Literal enforcement of the ordinance provision would be impracticable because there is limited room for more recreational features, and providing them will decrease the number of units, including the number of affordable units.

The waiver request, accordingly, is granted.

b. Waiver: From Section 200-30A5, which requires a minimum distance of 75 feet between window walls, while the distance between proposed Buildings 1 and 2 window walls is 32 feet.

Waiver granted: The ordinance requires the Board to reduce the 75 foot distance by not more than one third if there is an angle of 20 degrees or more between buildings and landscaping or buffers are placed between them. That is the case here, and therefore the required distance is 50 feet. The applicant will stagger the windows between Buildings 1 and 2, other than bathroom windows on the walls facing each other, and will use opaque glass material in bathrooms, as is required by Condition 23j. This eliminates the privacy issue that the ordinance was intended to address. The intent and purpose of the ordinance provision is therefore furthered, since the privacy concerns underlying the provision are addressed. Literal enforcement of the ordinance provision would be impracticable in that it would require a redesign of the site, most likely with fewer units and fewer affordable units.

For the foregoing reasons, the waiver request is granted.

c. Waiver: From Section 200- 32A1(a), which does not permit monument signs in residential districts, while the applicant proposed four monument signs, two at the intersection of Wheeler Way and Emmons Drive and two at the intersection of Wheeler Way/Canal Pointe Blvd and Loetscher Place. It reduced the number of monument signs by half to one at each location at the hearing.

Waiver granted: The monument signs are well designed and serve an appropriate wayfinding function. Given this, the waiver request is reasonable. It is consistent with the intent and purpose of the ordinance provision in that the development is large, and identification of it is useful for persons not familiar with the area. In addition, no more monuments than necessary are provided. Literal enforcement of the ordinance provision would work an undue hardship on the applicant by prohibiting it from putting in place appropriate signage.

The waiver request, accordingly, is granted.

d. Waiver: From Section 200-29N(3), which requires that bicycle access be combined with motor vehicle access where possible and that two-way drives are to be 30 feet

wide to provide for bicycle access, while the applicant has proposed eight foot wide multiple use paths along the western side of Emmons Drive and eastern side of Loetscher Place.

Waiver granted: The waiver request is reasonable in that the applicant is providing for bicycle access through a path that can be used by bicyclists rather than through widened roadways, and that itself has advantages. The intent and purpose of the ordinance provision is satisfied in that appropriate bicycle access is provided. Literal enforcement of the ordinance provision would be impracticable in that it would require project redesign and, again, the possible loss of affordable units.

The waiver request, therefore, is granted.

e. Waiver: From Section 200-31D, which provides that site lighting, other than that needed for security purposes, be set up on a timer system that shuts off all but security lighting by 11:00 p.m., while the applicant proposes to have lighting on from dusk until dawn.

Waiver granted: In a development of this size, it is reasonable to expect that a number of people will be returning to their apartments or leaving them for work or social activity during darkness. Given this, regular sight lighting is appropriate. The intent and purpose of the ordinance provision is satisfied in that this is an instance in which applying it would not be appropriate. Literal enforcement of the ordinance provision would work an undue hardship on the applicant by requiring it to shut off all but security lighting at 11:00 p.m., making use of the parking and other areas by individuals after 11:00 p.m. and before daylight less safe than it could otherwise be.

The waiver request, accordingly, is granted.

f. Waiver: From Section 300-31K(1), which requires an average of 0.5 foot-candles throughout parking lots, while the applicant has proposed an average of 0.6 and 0.7 foot-candles.

Waiver granted: The parking lot lighting has been designed to provide lighting in key areas to illuminate the sidewalks and to provide overall lighting to the parking lots. The applicant has reduced the lighting intensity as much as possible consistent with this goal. Given this, and given that the foot-candle coverage is not dramatic, the waiver is reasonable. The intent and purpose of the ordinance provision has been satisfied in that the lighting intensity in the

parking lots in no greater than necessary. Literal enforcement of the ordinance provision would work an undue hardship on the applicant by requiring it to reduce the lighting intensity to a point where the lighting system for the parking lots and sidewalk lighting program will not be as effective as it should be.

For the foregoing reasons, the waiver request is granted.

g. Waiver: From Section 200-31K(2), which requires 3.0 foot candles at intersections, while the applicant has proposed an average of 2.3 foot-candles at the intersection at Loetscher Place and Wheeler Way/ Canal Pointe Blvd. and 1.7 foot candles at the intersection of Emmons Drive and Wheeler Way.

Waiver granted: The applicant has increased the lighting at the intersections as much as possible, with maximum intensities of 17.3 foot candles at the Loetscher-Wheeler/ Canal Pointe intersection and 4.3 foot-candles at the Emmons-Wheeler intersection. The lighting levels for each section meet NJDOT requirements for intersections. Since the applicant has maximized the lighting at the intersections, literal enforcement of the ordinance provision would work an undue hardship upon it, since the development cannot be approved.

For the foregoing reasons, the waiver request is granted.

h. Waiver: From Section 200-31K(3), which provides for a maximum foot-candle at property lines of 1.0, while the applicant proposes a maximum of 4.5 foot-candles at the property line within the Loetscher Place-Wheeler Way/Canal Pointe Blvd. intersection.

Waiver granted: The lighting design includes light levels over 1.0 foot-candles within the intersections, with the remainder of the site in compliance with the requirement. Since the ordinance requires a greater lighting intensity at the intersection, it of necessity follows that the 1.0 foot-candle standard cannot be complied with when a property line is within an intersection. As indicated above, the foot-candle level at two intersections is appropriate. Given this, the waiver is reasonable. It comes within the intent and purpose of the ordinance provision in that a foot-candle of below 1.0 is provided all along the property lines except at the points of intersection, where they need to be higher. Literal enforcement of the ordinance provision would be impracticable in that one of the ordinance standards, either the one applying to foot-candles at intersections or the one applying to foot-candles at property lines, cannot be complied with.

For the foregoing reasons, the waiver request is granted.

i. Waiver: From Section 200-91P(4)(A)[1][a], which requires that storm water management areas be designed to blend into the surrounding landscape and afford a dual function beyond storm water management such as aesthetic, recreation, or environmental enhancement, while the proposed storm water basin does not meet this standard.

Waiver granted: The basin was placed in its proposed location so as to maximize the distance of the development from Colonnade Point. At the same time, the applicant attempted to minimize the amount of tree removal necessary, the location being in a wooded area, by using a linear form. While the basin is much more linear than is usually permitted by the Board, it does have landscaping. Given this, the waiver request is reasonable. It comes within the intent and purpose of the ordinance provision in that it serves an aesthetic function to the extent it can, given its location. Literal enforcement of the ordinance provision would work an undue hardship on the applicant by requiring site redesign and probable loss of units, including affordable units, or the relocation of the basin and buildings being much closer to Colonnade Point.

The waiver request is therefore granted.

j. Waiver: From Section 200-91P, which specifies landscape planting quantities.

Waiver granted: The Board is satisfied that the landscaping is sufficient, being cognizant of the dual facts that more extensive landscaped areas could conceivably result in affordable unit reduction and the necessity of eliminating cost-generating requirements to the extent appropriate in light of the fact that this is an inclusionary development. Given this, the waiver request is reasonable. It comes within the intent and purpose of the ordinance provision in that substantial landscaping has nevertheless been provided, the applicant having worked extensively with the Township Landscape Architect. Literal enforcement of the ordinance provision would work an undue hardship on the applicant by requiring more landscaping than need be mandated in these circumstances.

The waiver request is therefore granted.

k. Waiver: From Section 200-36.1, which requires that impervious surfaces be used for all drives and parking areas and pervious surfaces shall be used for all other paved areas,

including sidewalks, trails, courtyards, and other site amenities, while the applicant has not provided for any pervious surfaces other than around the swimming pool.

Waiver granted in part: The applicant contends that impervious surfaces are easier to maintain and that it proposed only impervious surfaces as cost saving measures in an inclusionary project. The Board is not convinced that the maintenance argument is a sound one, the Township's experience being that pervious surfaces have held up as well or better elsewhere in the Township. The applicant was willing to provide pervious surfaces for the driveways serving the garages incorporated into Buildings 3, 4, 5, and 6, as suggested by the Board, to break up the monotony of the drive aisle and driveways that had been proposed in this prominent location. Condition 23z so provides. In addition, the applicant pointed out that pervious surfaces on many of the paths are unnecessary because landscape is on both sides of the paths and they are crowned slightly so that water flows into the green areas, thereby serving the same purpose as pervious surfaces, but providing for rain water discharge rather than having rain water flow into a storm drainage system. The Board is willing to grant the waiver for the remaining surfaces which as per code are required to be pervious given these circumstances. The waiver request is reasonable, and the agreement for pervious surfaces in the driveways identified in particular furthers the intent and purpose of the ordinance. Given this, the Board finds that literal enforcement of the ordinance provision would work an undue hardship on the applicant.

The waiver request, accordingly, is granted in part.

RECOMMENDATIONS TO TOWNSHIP COUNCIL

20. The Board recommends to Township Council that it enter into an agreement with the applicant providing that 10% of the affordable units, or nine units, be reserved for veterans, provided that the Township keeps a separate list of veterans seeking affordable housing in the Township.

21. The Board recommends that the Township ask Mercer County that residents of and visitors to the development be given access through the Princeton Country Club Golf Course to the bridge over the Delaware and Raritan Canal, using the path at the north end of the Golf Course adjacent to holes 17 and 18. Mercer County should be advised that the applicant supports this.

22. The Board recommends that the township vacate the existing easements over Farber Road between Wheeler Way and Loetscher Place, which land area is being incorporated into the development and will no longer be used as a roadway.

CONDITIONS REQUIRED

23. The Board finds that, in order to address the concerns expressed during the course of the hearing and to limit the relief to that reasonably necessary to satisfy the applicant's legitimate requirements, the relief granted is subject to the following conditions:

Affordable Housing

- a. The affordable households shall have full access to all of the amenities.
- b. The affordable households shall also have the option of using the concierge trash removal services.
- c. No fee for any of the amenities or services offered to market rate household shall be charged to the affordable households.
- d. If amenable to the Township Council, the applicant shall reserve 10% of the affordable units, or nine units, for veterans, pursuant to *N.J.S.A. 52:27D-311j*, provided that the Township keeps a separate list of veterans on its list of households seeking affordable housing in the Township. The Board, as noted above, recommends that the Township enter into an agreement with the applicant so providing.
- e. The applicant shall submit a plan as part of the final architectural plans showing the number and location of all affordable units in each building.
- f. The applicant shall comply with all terms set forth in the Affordable Housing Statement submitted to the Board on June 13, 2018.
- g. All affordable units shall meet all requirements set forth in Uniform Housing Affordability Control (UHAC), *N.J.S.A. 5:80-26.1 et. seq.*, and applicable requirements of the Council on Affordable Housing and of any court having jurisdiction over the matter.

h. 13% of the affordable units shall be for very low income households as defined by the Fair Housing Act and UHAC.

Building Construction

i. The buildings shall be constructed in a manner consistent with the renderings in the exhibits.

j. The windows in the walls on the south side of Building 1 and the north side of Building 2 shall be staggered so that the windows do not face each other, except that bathroom windows, which shall be made of opaque glass material, need not be staggered.

k. Bike storage shall be provided in each building, and the bike storage area shall be marked and shall be labeled on the plans. There shall be no fee for bike storage.

Parking

l. The applicant shall provide a Parking Management Plan to the Township Engineer three times during construction so as to ensure that parking is sufficient, the first after completion of the first four residential buildings, the second after the completion of the next four residential buildings, and the third upon project completion. It shall be submitted annually thereafter. It shall be subject to review of the Township Engineer and the Township Traffic Consultant. The Parking Management Plan shall identify parking-driven parameters and time lines. Such parameters shall include number of buildings constructed, number of occupied units, and number of each bedroom type.

m. Parking spaces may be installed in banked spaces by the applicant in its discretion without returning to the Board and shall be installed by the applicant at the request of the Township Engineer.

n. The applicant shall remove from the plans the six Emmons Drive spaces indicated on the first plan after the text of Mr. Mosely's June 5, 2018 letter, and the curb shall be adjusted so that individuals cannot park in the area of the removed spaces.

o. The applicant shall enter into an agreement with the Seminary as to the sharing of thirty three existing parking spaces on Loetscher Place. Such agreement shall be subject to the review and approval of the Board Attorney.

p. Snow shall not be stored in parking spaces to the extent practicable.

q. The applicant shall designate two parking spaces by the refuse area for residents dropping off garbage.

Vehicular Circulation

r. The Emmons Drive-Wheeler Way intersection has stop signs on Wheeler Way. At the start of construction, it shall be converted into a four-way stop sign intersection. 90 days thereafter, the stop signs on Wheeler Way shall be removed.

s. The applicant shall comply with all terms of Mr. Mosely's June 5, 2018 letter, including the assessment of Emmons Drive-Wheeler Way intersection performance after the stop sign conversion for the potential construction of additional remediation work as per Condition ddd.

t. The applicant shall take such steps as are necessary so as to ensure that Title 39 can be enforced on the project and shall secure the consent of the Seminary with respect thereto. In conjunction therewith, the applicant shall submit a plan identifying all traffic regulations to be enforced and in which areas of the site such regulations will apply. This is particularly important to further the enforcement of the No Parking areas.

u. The applicant shall be responsible for the design and construction of the modified Canal Pointe-Meadow Road signalized intersection to include the new Loetscher Place extension. This work will require the applicant to install a cross-walk across Loetscher Place by Meadow Road. Its location shall be subject to the review and approval of the Township Traffic Consultant and Township Engineer.

v. The applicant shall submit, subject to review and approval of the Township Engineer, a cross-access easement permitting vehicular and pedestrian access from Lots A to B and Lots B to A.

w. The sight triangle for Emmons Drive looking to the north along Wheeler Way shall be increased to a length of 390 feet.

Sustainability

x. The applicant shall provide conduit for solar panels. In doing so, it must provide sufficient room for mounting and for breakers, switches, and such other hardware as are necessary for the installation of solar panels.

y. The applicant shall install conduits to provide 220 volt lines for two charging stations serving four parking spaces. The locations are to be determined by the applicant. The charging stations shall be installed depending on tenant demand.

z. The driveways in front of Buildings 3, 4, 5, and 6 shall be made of pervious pavers, with a color contrast to the roadway and consistent treatment. They shall be subject to the review and approval of the Township Landscape Architect.

aa. The applicant shall consider environmentally-friendly ways of heating the pool.

Landscape

bb. The applicant shall install pervious pavers around the clubhouse. They shall be subject to the review and approval of the Township Landscape Architect.

cc. The applicant may increase the playground equipment if it decides that the proposed equipment is insufficient. In doing so, it need not return to the Board for approval.

dd. The final landscape plan shall be subject to the review and approval of the Township Landscape Architect.

ee. As the plans are finalized, the location of light poles as well as utility meters, control panels, and similar elements shall be shown on the landscape plans to enable appropriate adjustments to avoid conflicts and provide screening.

ff. One of the specified plant species proposed for the unit planting, *Pyrus Calleryana*, presents concern due to invasive tendencies. An alternative selection, subject to the review and approval of the Township Landscape Architect, shall be implemented.

gg. A chain link fence and guiderail are proposed to top the retaining wall near proposed Building 1. This shall be changed to an aluminum picket fence similar to the pool enclosure, with bollards instead of guiderails on the south side along the proposed retaining wall.

hh. The pedestrian areas associated with the community building entrance and pool deck shall be enhanced by more decorative pedestrian scale pavement design. The applicant has added a note requiring further review regarding this aspect of the design as the plans are refined and prior to submission of building permits. The final design with respect to these matters shall be subject to the review and approval of the Township Landscape Architect.

ii. The applicant shall limit the number of trees in close proximity to the buildings so as to not restrict access by the Fire Department. This shall be subject to the review of the Township Landscape Architect and Director of Fire and Emergency Services.

Signage

jj. The monument signs shall not be internally illuminate and shall be lit from the ground up.

kk. The two monument signs shall be located outside of the sight triangles.

Subdivision

ll. Limits of new access and utility easements have been shown on the plans, and legal descriptions defining their boundaries have been provided. The language of the easement documents shall set forth the required rights to Lots A and B as to these easements and drainage easements and be subject to the review and approval of the Board Attorney.

mm. Block and lot numbers to be utilized for the new lots shall be as assigned by the Township Engineer.

Site Plan

nn. The applicant shall provide easements over Loetscher Place similar to those that were in Farber Road and revised utility routings that will service Lot A. The easements shall be subject to the review and approval of the Township Engineer and Board Attorney.

Storm Water Management

oo. The State storm water regulations under *N.J.A.C. 7:8-5.8* require that the storm water management system have an operation and maintenance manual in compliance with Chapter 8 of the NJDEP Stormwater BMP Manual. A draft manual has been submitted for review, and technical comments have been submitted to the design engineer under separate cover. The applicant shall comply with those comments and shall submit for final approval by the Township Engineer and Board Attorney a document as part of a storm water BMP easement or some other deed restriction on Lot B that prevents the alteration, removal, or neglect to any storm water management features. The instrument shall be recorded by the Board Attorney.

pp. In accordance with Ordinance section 200-105.1, the applicant shall enter into an agreement with the Township in a form satisfactory to the Board Attorney requiring the installation and maintenance by the applicant and the applicant's successors in interest of all such storm water management improvements proposed by the applicant and approved by the Board.

qq. The following technical comment on the site storm water features shall be addressed:

The outfall piping from OS 70 to FES 76 is shown on the grading detail on Sheet 10 and the storm sewer profile on Sheet 16 as being covered via a ten foot wide, two to four foot high berm for a length of approximately 400 feet. The high side of the berm is extremely flat along this length and will obstruct natural drainage patterns and impound water behind it. The applicant indicates that the location and elevation of this pipe reflect the full build-out of the site including future improvements on the Seminary property. However, until the full build-out of the site is complete, a temporary solution to the drainage problem this creates must be provided. Solutions shall be subject to the review and approval of the Township Engineer.

Lighting

rr. Ordinance Section 200-31D states that, where lighting is visible to adjacent residents, lights shall be appropriately shielded. With the Seminary buildings to the west and Colonnade Pointe residential development to the north, shields shall be provided on lights installed along Loetscher Place, including its extension to Meadow Road. Note 8 on Sheet 21 indicates that house side shields are to be installed on the lights along Loetscher Place, including its extension to Meadow Road, as well as all proposed lights adjacent to the proposed residential buildings. The plans shall be revised to provide a discrete symbol for a fixture with a house-side shield and identify each such light on the plan rather than relying on a generic note that could be easily overlooked or misinterpreted.

ss. At least 30 days prior to construction of the pool, a plan showing decorative lighting shall be submitted for review and approval by the Township Engineer.

Utilities

tt. The existing drainage trunk line that runs along Emmons Drive to the Canal within the property limits shall be cleaned and televised by the applicant prior to the construction of the proposed improvements. Any defects found are to be corrected prior the introduction of additional flows into the system. Since the trunk line to the Canal remains within the overall development tract, the applicant will be required to clean, televise, assess, and repair defects

found on the trunk line within the development tract in consultation with the Township Engineer. The applicant shall secure the consent of the Seminary with respect thereto.

uu. Any at-grade features (sidewalks, street lights, landscaping, etc.) that are installed in the easement are at the applicant's risk as the Township will not be responsible to repair or replace same any time the system requires maintenance or repair. A separate easement agreement modification shall be obtained by the applicant through Township Council to permit any permanent improvements within the easement area.

vv. This property previously contained numerous apartment buildings that were demolished. There is concern that the proposed construction will damage numerous sewer lateral connections that were capped and abandoned when the buildings were demolished, which will lead to excessive, uncontrolled infiltration of ground and surface water into the collection system. The applicant shall televise the sewer mains within Proposed Lot B and plug each abandoned lateral connection at the main.

ww. The applicant shall request reservation for wastewater flows in the municipal collection system and authorization for execution of the required NJDEP Treatment Works Approval permit applications for extension of the collection system, which will all require approval by the Township Council.

xx. The applicant is required to participate in the D&R Canal Sewer Interceptor District in accordance with Code section 200-89. The Township is required to collect a payment towards reimbursement to downstream developers that installed portions of the system. The EIS submitted includes a preliminary estimate based on an assumed flow. A final estimate shall be determined based on actual approved occupancy. The applicant shall pay the required fee as calculated by the Township.

yy. The final location of all fire hydrants shall be subject to the review and approval by the Director of Fire and Emergency Services.

Other

zz. The applicant shall annually provide a report to the Township Land Use Manager as to the number of school children in the development.

aaa. The following notices shall be provided in leases:

- (1) With respect to the units adjacent to bank parking areas, that there is a possibility that such areas will be paved.
- (2) As to units adjacent to and facing the Princeton Golf Course, that such units are adjacent to the Golf Course and that there is a potential for errant shots.
- (3) That lofts may not be used as bedrooms.
- (4) That no household may have more than two vehicles.
- (5) That if the unit is a two bedroom unit, no more than four individuals shall reside therein, and if the unit is a three bedroom unit, no more than six individuals shall reside therein.

The lease notices shall be subject to the review and approval of the Board Attorney.

bbb. Lofts shall not be used as bedrooms. No closet shall be constructed in them, and the space shall be open and not enclosed, with a knee wall no higher than 36 inches.

ccc. No more than four people shall reside in a two bedroom unit, and no more than six people shall reside in a three bedroom unit.

ddd. The applicant shall pay its off-tract street improvements assessment fee as calculated in accordance with Section 200-88. It shall perform an assessment of the performance of the Emmons Drive-Wheeler Way intersection as per Condition 23s, and, if necessary based on the findings of the assessment and the determination of Mr. Kochenour, construct the Emmons Drive-Wheeler Way intersection improvements shown on the attachment to Mr. Kochenour's May 18, 2018 memorandum. The assessment shall include an updated traffic count, a Level of Service analysis and a queue analysis and shall consider police input and accident reports. Such an analysis shall be conducted within 90 days to 180 days after the completion of the reversal of the stop sign locations. The applicant's engineer shall cost out and certify the costs of such improvements, and the actual incurred costs of such improvements accepted by the Township Engineer shall be a credit against the applicant's off-tract assessment fee. If the credit is greater

than the fee, the applicant shall be reimbursed out of the Township's Off-Tract Assessment Fund as funds become available.

eee. Separate metes and bounds descriptions, along with closure calculations for all proposed lots, easements and dedications were submitted for review and approval. The area for Lot A in the description should read "44.617 acres," not 44.167 acres.

fff. The applicant is to submit an Engineer's construction cost estimate for review. The applicant shall post performance guarantees and inspection fees for both on-site and off-site improvements in accordance with the Municipal Land Use Law.

ggg. As per Ordinance section 200-81.1, the applicant shall provide, via both hard copy and in electronic format, approved site plans being submitted for signature and as-built surveys upon project completion. The applicant shall submit to the Township PDF copies of the Stormwater Management Report and the Stormwater Operation and Maintenance Manual and all related mapping once same are approved by the Township Engineer.

hhh. Copies of all outside agency approvals shall be submitted to the Township. The following outside agencies approvals are anticipated:

1. Mercer County Planning Board
2. Mercer County Soil Conservation District
3. Delaware and Raritan Canal Commission
4. NJDEP (TWA Permit)

iii. A lock box to allow immediate access by the Fire Department shall be installed on the front of each building.

jjj. The position of the Fire Department connections that support the fire sprinkler system shall be at the front of the building.

kkk. Fire Department standpipes shall be installed in each stair tower with 2 ½ inch national standard thread hose outlets at each stair tower floor landing. The standpipes shall be tied into the fire sprinkler system so that there will be only one Fire Department connection.

lll. The applicant shall execute a developer's agreement setting forth its obligation as to off-tract improvements and assessments and its obligation to downstream developers of the Delaware and Raritan Canal Interceptor/Duck Pond Run Interceptor.

mmm. The applicant shall in accordance with the Municipal Land Use Law execute a land development performance guarantee agreement in a form satisfactory to the Township Council and shall post such performance and maintenance guarantees as are required.

nnn. All construction details shall be subject to the review and approval of the Township Engineer.

ooo. All real estate taxes and escrow and inspection fees and required deposits therefor must be paid and maintained as current, and no zoning permits or certificates of occupancy shall be issued if property taxes and escrow and inspection fees and required deposits therefor are not current.

ppp. All marked exhibits shall be transferred to the Division of Land Use Office prior to issuance of a building permit.

qqq. All plan revisions shall be subject to the review and approval of such Township professionals as are designated by the Manager of Land Use unless otherwise designated herein.

rrr. An easement acceptable to the Board Attorney shall be recorded for each easement shown on the plat or plan.

sss. All instruments required to be recorded hereby shall be provided to the Planning Board Attorney for recordation.

CONCLUSION

Based on the foregoing, the Board at its June 13, 2018 meeting voted to approve the plans with revisions made therein and as supplemented and modified by the exhibits and to

grant the relief identified above subject to the conditions and to be revised in accordance with the conditions set forth herein.

This resolution of memorialization was adopted on July 11, 2018 by a vote of who voted to grant the relief sought by the applicant.

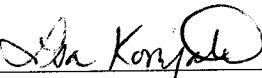
The date of decision shall be June 13, 2018 except that the date of the adoption of this memorializing resolution is the date of decision for purposes of (1) mailing a copy of the decision to the applicant within 10 days of the date of the decision; (2) filing a copy of the decision with the administrative officer; and (3) publication of a notice of this decision. The date of the publication of the notice of decision shall be the date of the commencement of the vesting protection period.

We do hereby certify that the foregoing resolution was adopted by the Planning Board at its regular meeting held July 11, 2018. This resolution memorializes formal action taken by the Board at its regular meeting held June 13, 2018.



Gene R. O'Brien 7/13/18

Gene R. O'Brien, Chair



Lisa Komjati 7/13/18

Lisa Komjati, Secretary

Gene R. O'Brien, Chair – Yea
Michael Karp, Vice-Chair – Yea
Sue Appelget – Absent
Linda Geevers – Yea
Curtis Hoberman – Yea
Michael Huey – Yea
Andrea Mandel – Yea
Hemant Marathe – Absent
Simon Pankove – Absent

Allen Schectel, Alternate I – Yea
Anis Baig, Alternative II – Absent

WW Planning Board - Woodstone.doc

Appendix D-8: Ordinance 2019-07r re: 400 Steps

**TOWNSHIP OF WEST WINDSOR
COUNTY OF MERCER, NEW JERSEY**

1st Reading March 4, 2019 * March 18, 2019 ***
 2nd Reading & Public Hearing April 1, 2019
 Date Adopted April 1, 2019
 Date Effective April 22, 2019
 DOT APPROVAL RECEIVED _____

Date to Mayor April 2, 2019
 Date Signed April 2, 2019
 Date Resubmitted to Council 4/1/2019
 Approved as to Form and Legality Gay M. Huber
 Township Attorney

ORDINANCE 2019-07r

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

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999)
TO CREATE AN RP-12 DISTRICT**

RECORD OF VOTE													
First Reading							Second Reading						
Council	Yes	No	NV	AB	Mov	Sec	Council	Yes	No	NV	AB	Mov	Sec
GEEVERS	✓					✓	GEEVERS	✓					
HAMILTON	✓						HAMILTON	✓					
MANZARI	✓				✓		MANZARI	✓					✓
MILLER	✓						MILLER	✓					
ZHANG	✓						ZHANG	✓					✓

x-Indicates Vote AB-Absent NV-Not Voting Mov-Moved Sec-Seconded

Rejected

Approved

Hemant Marathe
Hemant Marathe, Mayor

4/2/2019
Date

Reconsidered by Council _____

Override Vote: YES _____ NO _____

Gay M. Huber
Gay M. Huber, Township Clerk

* Sent to Planning Board for Review March 5, 2019

** Planning Board March 13, 2019 substantive changes needs re-introduction by Council

*** Council Re-introduced as amended. Motion by Hamilton; Seconded by Manzari - Hamilton, Manzari, Miller Yes
Geevers, Zhang absent

ORDINANCE 2019-07r

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

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) TO CREATE AN RP-12 DISTRICT

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

Section 1. Chapter 200 of the Code of the Township of West Windsor, Land Use, Part 4, Zoning, Article XXVI, Titles, Purposes, Establishment of Districts; General Conditions, Section 200-142, Establishment of Zoning Districts, is hereby amended by adding after the line “RP-11 – “Overlay of the Princeton Junction Redevelopment Plan” the following:

RP-12 Residence/Affordable Housing

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

The boundaries of said zoning district is hereby established as shown on the Zoning Map, Township of West Windsor, dated March 18, 2019, and revised through April 1, 2019, which, with all explanatory matter thereon, is hereby adopted and made part of this Part IV. An official copy of said Map, indicating the latest amendments shall be kept up-to-date in the office of the Land Use Manager for the use and benefit of the public and shall have the most current revision date shown thereon. The Zoning Map for that shall be the official reference as to the current zoning classification of the land within the boundaries of the Township of West Windsor.

Section 3. Chapter 200 of said Code, Land Use, Part 5, Princeton Junction Redevelopment Plan Regulatory Provisions, Article XXXIV, Land Use Controls, is hereby amended by the adding a New Section 200-272 as follows and by renumbering the subsequent sections accordingly:

§ 200-272 RP-12 District.

A. RP-12 District use regulations.

- (1) Purpose. The goal of the RP-12 District is to develop the property in the RP-12 District with attractive, multi-family housing, to include 20% affordable housing.

- (2) Comprehensive development. The District shall be comprehensively developed in accordance with one development application for the entire district.
- (3) Permitted principal uses. In the RP-12 District, no building or premises shall be used and no building shall be erected or altered on a lot which is arranged, intended or designed to be used, except for the following use:
 - (a) Multifamily dwellings, provided that twenty percent (20%) of such units are affordable housing meeting all of the applicable standards and requirements for affordable units, including those set forth in the *Uniform Housing Affordability Controls* (UHAC), N.J.A.C 5:80-26.1 *et seq.*, and Section 200-237. At least 50% of the affordable units shall be affordable to low-income households, and at least 13% of all rental affordable units shall be affordable to very low-income households earning 30% or less of the regional median household income by household size, which very low-income units shall be included as part of the low-income requirement. The remaining affordable units shall be made affordable to moderate-income households. The affordable units shall be dispersed throughout the building or buildings. Affordable housing shall be architecturally indistinguishable from market-rate housing. Ordinance 2019-03 shall not apply.
- (4) Permitted accessory uses.
 - (a) Recreational and open space facilities, including, but not limited to walkways, courtyards and plazas.
 - (b) Off-street parking and loading associated with multifamily dwellings and townhouses.
 - (c) Signs.
 - (d) Street furnishings, planters, streetlights, and exterior, garden-type shade structures such as gazebos and pavilions.

- (e) Fences and walls, which shall complement the architectural style, type and design of the building and the overall project design.
- (f) Decks, patios and terraces, which shall complement the architectural style, type and design of the building and the overall project design.
- (g) Stand-alone on-grade garages, trash enclosures, stand-alone storage facilities for apartment tenants, and office and maintenance areas for onsite rental business operations.
- (h) Accessory uses customarily incidental to permitted principal uses.

B. RP-12 District intensity, bulk and other regulations.

- (1) Maximum improvement coverage: 80%.
- (2) Minimum yards.
 - (a) Front yard: 10 feet.
 - (b) Side yard: 5 feet.
 - (c) Rear yard: 5 feet.
- (3) Number of dwelling units: The developer may construct up to one hundred eighty (180) dwelling units.
- (4) Maximum building height:
 - (a) The maximum building height shall be four stories above garage, but no greater than 80 feet.
- (5) Building spacing: A minimum of 30 feet shall be provided between buildings if there is more than one building.
- (6) Parking standards.

- (a) In lieu of the standards set forth in § 200-27B, the following off-street parking standards shall apply: a minimum of 1.0 spaces per dwelling.
- (b) Off-street parking lots shall be accessed by means of common driveways to the extent practicable. Cross-access easements with adjacent lots shall be required. Shared parking facilities are encouraged where possible.

(7) Sidewalks.

- (a) In lieu of the standards set forth in § 200-258A sidewalk widths shall be a minimum of four feet wide, except where sidewalk borders head-in parking stalls, the sidewalk shall be a minimum of six feet wide.
- (b) All internal sidewalks and pathways shall be designed to provide access for the physically disabled. Access ramps shall be conveniently placed and sloped to provide easy connection to streets and sidewalks, in conformance with the Americans with Disabilities Act. This requirement does not apply to connections to Block 5, Lot 20. A minimum of one accessible route shall be provided to the RP-12 development from the public street and sidewalk, through Block 5, Lot 20.

(8) Landscaping.

- (a) All Section 200-91P standards shall apply except that:
 - [1] In lieu of the standards set forth in §200-91P(4), the following shall apply: Storm water management facilities shall be designed in accordance with the guidelines set forth in the New Jersey Stormwater Best Management Practices Manual.
 - [2] Section 200-91P(5) (Open Space) shall not apply.
 - [3] Section 200-91P(6)(c) (Filtered Buffer) shall not apply to locations where internal drives and parking adjoin the building or buildings.

- [4] Section 200-91P(6)(d)(4) is amended to allow a solid fence or wall serving as a sound barrier ten feet high. Such a fence or wall is only required along a portion of the property line between the building or buildings and the railroad tracks. Any fence or fences constructed along the railroad (Block 5, Lot 14) serving as a sound barrier shall not be considered a structure.
- [5] Sections 200-91P(7)(a), (b), (c), (d), (e), and (f) shall not apply.
- [6] Existing trees over 5 inches DBH that are within ten feet of property lines shall be located and preserved to the extent possible. All other existing trees will be cleared and are not required to be relocated.

(9) Architectural and site design standards.

In lieu of the standards set forth in §200-258C, the following shall apply:

- (a) Architectural detail, style, color, proportion and massing shall reflect the features of a traditional village center. The building or buildings shall reflect a continuity of treatment through the district, obtained by maintaining the building scale or by subtly graduating changes; by maintaining base courses; by maintaining cornice lines in buildings, if more than one, of the same height; by extending horizontal lines of fenestration; and by reflecting architectural styles and details, design themes, building materials and colors used in surrounding buildings. To the extent possible, upper-story windows shall be vertically aligned with the location of windows and doors on the ground level. A variety of building setbacks, roof lines, color schemes, elevations and heights shall be developed, relative to adjacent structures, to avoid a repetitious and monotonous streetscape.
- (b) Any sound barrier along the railroad right-of-way may not be higher than ten (10) feet.
- (c) Signage and lighting shall be designed in a manner complementary to the building's architecture and in keeping with the goal of achieving a traditional village center.

(d) Pitched roofs (6/12 to 12/12) are required. Both gable and hipped roofs shall provide overhanging eaves on all sides that extend a minimum of one foot beyond the building wall.

(10) Signage.

(a) Street address signage.

In lieu of the standards set forth in §200-258D4c, the following shall apply:

- [1] Street address signage shall be provided on the building or, if more than one building, each building.
- [2] Street address numbers shall have a maximum height of 24 inches.

(b) Monument signage.

In lieu of the standards set forth in § 200-258D4d, the following shall apply:

- [1] Two monument signs shall be permitted for the RP-12 District. One of the two signs shall be an identification sign along Cranbury Road at the entrance to the Ellsworth Center.
- [2] The maximum monument sign area for each sign shall be 40 square feet.
- [3] The maximum monument sign height for each sign shall be six feet above existing grade.

(11) Internal Streets.

- (a) Geometry of streets shall be sufficient for Township emergency vehicles and private waste removal.
- (b) Street names shall not duplicate or nearly duplicate the names of existing streets in the municipality or contiguous communities. The continuation of an existing street shall have the same name.

(c) Endings of proposed street names shall reflect street classification for a cul-de-sac: lane, court, place, or circle.

(12) Other Standards.

- (a) No development shall proceed in the District without a redeveloper's agreement with the Township or redevelopment entity.
- (b) Section 200-20 (Common Open Space) shall not apply.
- (c) The standards set forth in § 200-23 requiring an environmental appraisal of the property are not applicable.
- (d) Interconnection with Block 5, Lot 20 for storage or other complimentary service uses is allowed.
- (e) In lieu of the standards set forth in § 200-25B2, steps shall be taken to minimize indoor noise levels. Building code requirements shall be met.
- (f) In lieu of the standards set forth in § 200-25C2, steps shall be taken to minimize vibration levels.

(13) Pedestrian and Bicycle Circulation

- (a) A comprehensive bicycle and pedestrian circulation plan shall be provided. Consideration shall be given to linking pedestrian and bicycle circulation features to adjoining open space amenities, as determined to be appropriate and feasible.
- (b) Pedestrian crossing in streets and alleys shall include special ground texture treatment such as brick, stone, cobblestones and other suitable material. The treatment of any crosswalk shall be designed with materials that indicate the different traffic characteristics of intersecting streets.

- (c) There shall be a dedicated interior space or an enclosed room for storage of bicycles. Such a space may be located within a parking garage.

Section 4. This ordinance shall be in force after action or inaction by the Mayor as provided by law or an override of mayoral veto by the Council, whichever is applicable, and publication according to law.

Introduction: March 4, 2019*; March 18, 2019***

Public Hearing: April 1, 2019

Adoption: April 1, 2019

Mayor's Approval: April 2, 2019

Effective Date: April 22, 2019

*Sent to Planning Board for Review March 5, 2019

**Sent to Planning Board March 13, 2019 substantive changes needs re-introduction by Council

***Council Reintroduced as amended: Motion by Hamilton; Seconded by Manzari

Vote Hamilton Manzari Miller yes

Absent: Geevers/Zhang

Appendix 4:
Adopted RP-12 Ordinance Amending the Princeton
Junction Redevelopment Plan

**TOWNSHIP OF WEST WINDSOR
COUNTY OF MERCER, NEW JERSEY**

1st Reading March 4, 2019 ^{*} March 18, 2019 ^{***}
 2nd Reading & Public Hearing April 11, 2019
 Date Adopted April 1, 2019
 Date Effective April 22, 2019
 DOT APPROVAL RECEIVED _____

Date to Mayor April 2, 2019
 Date Signed April 2, 2019
 Date Resubmitted to Council _____
 Approved as to Form and Legality Gerald J. Deale
 Township Attorney

ORDINANCE 2019-08r

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

**AN ORDINANCE AMENDING THE REDEVELOPMENT PLAN
FOR PRINCETON JUNCTION BY ADDING A NEW RP-12 DISTRICT**

RECORD OF VOTE													
First Reading <u>3/11/2019</u>							Second Reading						
Council	Yes	No	NV	AB	Mov	Sec	Council	Yes	No	NV	AB	Mov	Sec
GEEVERS	✓					✓	GEEVERS	✓					
HAMILTON	✓						HAMILTON	✓					
MANZARI	✓				✓		MANZARI	✓				✓	
MILLER	✓						MILLER	✓					
ZHANG	✓						ZHANG	✓					✓

x-Indicates Vote AB-Absent NV-Not Voting Mov-Moved Sec-Seconded

Rejected

Approved Henry Marathe April 2, 2019
 Henry Marathe, Mayor Date

Reconsidered by Council _____ Override Vote: YES _____ NO _____

Gay M. Huber
 Gay M. Huber, Township Clerk

* Sent to Planning Board for review March 5, 2019

** Planning Board March 13, 2019 substantive changes needs re-introduction by Council

*** Council Re-introduced as amended Motion by Hamilton; Seconded by Manzari
 Hamilton, Manzari, Miller yes
 Geeveres, Zhang absent

ORDINANCE 2019-08r

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

**AN ORDINANCE AMENDING THE REDEVELOPMENT PLAN
FOR PRINCETON JUNCTION BY ADDING A NEW RP-12 DISTRICT**

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

Section 1. The first full paragraph on page 8 of the Redevelopment Plan for Princeton Junction is amended to reflect the new district regulations set forth below.

Section 2. The Executive Summary is amended by adding the following at the end:

District 12 is intended to facilitate redevelopment of a portion of what was District 7 by providing for an inclusionary development consisting of 144 market units and 36 affordable units.

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

Section 4. The Study Area District Map on page 25 is amended by creating a RP-12 District in the portion of the RP-7 District north of the most northerly lot line shown on the Map and known as Block 5, Lot 19.

Section 5. The following shall be added at the end of the District Regulations.

DISTRICT RP-12

RP-12 District use regulations

- A. Purpose. The goal of the RP-12 District is to develop the property in the RP-12 District with attractive, multi-family housing, to include 20% affordable housing.
- B. Comprehensive development. The District shall be comprehensively developed in accordance with one development application for the entire district.
- C. Permitted principal uses. In the RP-12 District, no building or premises shall be used and no building shall be erected or altered on a lot which is arranged, intended or designed to be used, except for the following use:
 - (1) Multifamily dwellings, provided that twenty percent (20%) of such units are affordable housing meeting all of the applicable standards and requirements for affordable units, including those set forth in the *Uniform Housing Affordability Controls* (UHAC), N.J.A.C 5:80-26.1 *et seq.*, and Section 200-237. At least 50% of the affordable units shall be affordable to low-income households, and at least 13% of all rental affordable units shall be affordable to very low-income households earning 30% or less of the regional median household income by household size, which very low income units shall be included as part of the low income requirement. The remaining affordable units shall be made affordable to moderate-income households. The affordable units shall be dispersed throughout the building or buildings. Affordable housing shall be architecturally indistinguishable from market-rate housing. Ordinance 2019-03 shall not apply.
- D. Permitted accessory uses.
 - (1) Recreational and open space facilities, including, but not limited to walkways, courtyards and plazas.
 - (2) Off-street parking and loading associated with multifamily dwellings and townhouses.
 - (3) Signs.
 - (4) Street furnishings, planters, streetlights, and exterior, garden-type shade structures such as gazebos and pavilions.

- (5) Fences and walls, which shall complement the architectural style, type and design of the building and the overall project design.
- (6) Decks, patios and terraces, which shall complement the architectural style, type and design of the building and the overall project design.
- (7) Stand-alone on-grade garages, trash enclosures, stand-alone storage facilities for apartment tenants, and office and maintenance areas for onsite rental business operations.
- (8) Accessory uses customarily incidental to permitted principal uses.

RP-12 District intensity, bulk and other regulations.

- A. Maximum improvement coverage: 80%.
- B. Minimum yards.
 - (1) Front yard: 10 feet.
 - (2) Side yard: 5 feet.
 - (3) Rear yard: 5 feet.
- C. Number of dwelling units: The developer may construct up to one hundred eighty (180) dwelling units.
- D. Maximum building height:
 - (1) The maximum building height shall be four stories above garage, but no greater than 80 feet.
- E. Building spacing: A minimum of 30 feet shall be provided between buildings if there is more than one building.
- F. Parking standards.
 - (1) In lieu of the standards set forth in § 200-27B, the following off-street parking standards shall apply: a minimum of 1.0 spaces per dwelling.

(2) Off-street parking lots shall be accessed by means of common driveways to the extent practicable. Cross-access easements with adjacent lots shall be required. Shared parking facilities are encouraged where possible.

G. Sidewalks.

(1) In lieu of the standards set forth in § 200-258A sidewalk widths shall be a minimum of four feet wide, except where sidewalk borders head-in parking stalls, the sidewalk shall be a minimum of six feet wide.

(2) All internal sidewalks and pathways shall be designed to provide access for the physically disabled. Access ramps shall be conveniently placed and sloped to provide easy connection to streets and sidewalks, in conformance with the Americans with Disabilities Act. This requirement does not apply to connections to Block 5, Lot 20. A minimum of one accessible route shall be provided to the RP-12 development from the public street and sidewalk, through Block 5, Lot 20.

H. Landscaping.

(1) All Section 200-91P standards shall apply except that:

(a) In lieu of the standards set forth in §200-91P(4), the following shall apply: Storm water management facilities shall be designed in accordance with the guidelines set forth in the New Jersey Stormwater Best Management Practices Manual.

(b) Section 200-91P(5) (Open Space) shall not apply.

(c) Section 200-91P(6)(c) (Filtered Buffer) shall not apply to locations where internal drives and parking adjoin the building or buildings.

(d) Section 200-91P(6)(d)(4) is amended to allow a solid fence or wall serving as a sound barrier ten feet high. Such a fence or wall is only required along a portion of the property line between the apartment building or buildings and the railroad tracks. Any fence or fences constructed along the railroad (Block 5, Lot 14) serving as a sound barrier shall not be considered a structure.

(e) Sections 200-91P(7)(a), (b), (c), (d), (e), and (f) shall not apply.

(f) Existing trees over 5 inches DBH that are within ten feet of property lines shall be located and preserved to the extent possible. All other existing trees will be cleared and are not required to be relocated.

I. Architectural and site design standards.

In lieu of the standards set forth in § 200-258C, the following shall apply:

(a) Architectural detail, style, color, proportion and massing shall reflect the features of a traditional village center. The building or buildings shall reflect a continuity of treatment through the district, obtained by maintaining the building scale or by subtly graduating changes; by maintaining base courses; by maintaining cornice lines in buildings, if more than one, of the same height; by extending horizontal lines of fenestration; and by reflecting architectural styles and details, design themes, building materials and colors used in surrounding buildings. To the extent possible, upper-story windows shall be vertically aligned with the location of windows and doors on the ground level. A variety of building setbacks, roof lines, color schemes, elevations and heights shall be developed, relative to adjacent structures, to avoid a repetitious and monotonous streetscape.

(b) Any sound barrier along the railroad right-of-way may not be higher than ten (10) feet.

(c) Signage and lighting shall be designed in a manner complementary to the building's architecture and in keeping with the goal of achieving a traditional village center.

(d) Pitched roofs (6/12 to 12/12) are required. Both gable and hipped roofs shall provide overhanging eaves on all sides that extend a minimum of one foot beyond the building wall.

J. Signage.

(1) Street address signage.

In lieu of the standards set forth in § 200-258D4c, the following shall apply:

(a) Street address signage shall be provided on the building or, if more than one building, each building.

- (b) Street address numbers shall have a maximum height of 24 inches.
- (2) Monument signage.
 - In lieu of the standards set forth in § 200-258D4d, the following shall apply:
 - (a) Two monument signs shall be permitted for the RP-12 District. One of the two signs shall be an identification sign along Cranbury Road at the entrance to the Ellsworth Center.
 - (b) The maximum monument sign area for each sign shall be 40 square feet.
 - (c) The maximum monument sign height for each sign shall be six feet above existing grade.

K. Internal Streets.

- (1) Geometry of streets shall be sufficient for Township emergency vehicles and private waste removal.
- (2) Street names shall not duplicate or nearly duplicate the names of existing streets in the municipality or contiguous communities. The continuation of an existing street shall have the same name.
- (3) Endings of proposed street names shall reflect street classification for a cul-de-sac: lane, court, place, or circle.

L. Other Standards.

- (1) No development shall proceed in the District without a redeveloper's agreement with the Township or redevelopment entity.
- (2) Section 200-20 (Commons Open Space) shall not apply.
- (3) The standards set forth in § 200-23 requiring an environmental appraisal of the property are not applicable.
- (4) Interconnection with Block 5, Lot 20 for storage or other complimentary service uses is allowed.

(5) In lieu of the standards set forth in § 200-25B2, steps shall be taken to minimize indoor noise levels. Building code requirements shall be met.

(6) In lieu of the standards set forth in § 200-25C2, steps shall be taken to minimize vibration levels.

M. Pedestrian and Bicycle Circulation

(1) A comprehensive bicycle and pedestrian circulation plan shall be provided. Consideration shall be given to linking pedestrian and bicycle circulation features to adjoining open space amenities, as determined to be appropriate and feasible.

(2) Pedestrian crossing in streets and alleys shall include special ground texture treatment such as brick, stone, cobblestones and other suitable material. The treatment of any crosswalk shall be designed with materials that indicate the different traffic characteristics of intersecting streets.

(3) There shall be a dedicated interior space or an enclosed room for storage of bicycles. Such a space may be located within a parking garage.

Section 6. This ordinance shall be in force after action or inaction by the Mayor as provided by law or an override of mayoral veto by the Council, whichever is applicable, and publication according to law.

Introduction: March 4, 2019*; March 18, 2019***

Public Hearing: April 1, 2019

Adoption: April 1, 2019

Mayor's Approval: April 2, 2019

Effective Date: April 22, 2019

*Sent to Planning Board for Review March 5, 2019

**Sent to Planning Board March 13, 2019 substantive changes needs re-introduction by Council

***Council Reintroduced as amended: Motion by Hamilton; Seconded by Manzari

 Vote Hamilton Manzari Miller yes

 Absent: Geevers/Zhang

Appendix D-9: Resolution re: 400 Steps

WEST WINDSOR TOWNSHIP PLANNING BOARD

In the Matter of the Application of	)	FINDINGS OF FACT
	)	AND
<u>400 Steps LLC</u> for Preliminary and	)	CONCLUSIONS OF LAW
)	
Final Site Plan Approval with Waivers	)	File No. PB 20-05
	)	Block 5, Lots 19 & 20
)	
)	
	)	Approval granted:
	)	January 20, 2021
)	

Be it resolved by the Planning Board of the Township of West Windsor that the action of this Board on January 20, 2021 in this matter is hereby memorialized by the adoption of this written decision setting forth the Board's findings and conclusions.

BACKGROUND

1. The site ("Site"), located in the north-central portion of the Township near the intersection of Princeton-Hightstown Road and the Northeast Corridor rail line, consists principally of Block 5, Lot 19, comprising the main portion of the Site, and a small portion of Block 5, Lot 20. Lot 19 consists of approximately 3.85 acres and is somewhat triangular in shape. It is developed with two vacant commercial buildings, a larger two-story building along the westerly property line and a smaller one-story building located along the easterly property line, built in the 1990s that were abandoned before completion and never occupied. Parking spaces were constructed between the two, and site utilities were installed, including a sanitary sewer system. A storm water basin lies within the northern portion of the Site; the interior bottom of this basin is considered a wetland under current New Jersey regulations.

2. The Site has no frontage and therefore no direct vehicular access to a right-of-way. Access is provided through the Ellsworth Center, Block 5, Lot 20, via a full

movement driveway extending from the south from Cranbury Road, as well as a “right in” only driveway from northbound Princeton-Hightstown Road.

3. Block 5, Lot 20 contains the Ellsworth Center, which has received numerous approvals since 2013 for a mixed-use development consisting of 12 buildings containing 30 multi-family units and approximately 53,000 s.f. of retail space. The Site is in the RP-12 Princeton Junction Redevelopment Plan district.

4. Surrounding land uses consist of the Northeast Corridor rail line and forested lands to the north; public open space and single family dwellings to the east; a Walgreen’s pharmacy, commercial uses, and other mixed uses to the south; and the Northeast Corridor rail line and a bus depot to the west.

5. The Township’s court-approved Third Round Housing Element and Fair Share Plan dated February 28, 2019 (“HEFSP”) identifies the Site as one of the components to address the Township’s prospective third round obligation, with 36 affordable units included in a total of 180 units contemplated for the Site.

PROPOSED PLAN

6. The applicant seeks preliminary and final site plan approval for a 144 multi-family rental unit development, including 29 affordable units (the “Project”), having determined that the Site could not be developed for 180 units. The units would be contained within four freestanding 4-story residential buildings. Buildings 1 and 2 are to contain 40 units each, each building footprint to be approximately 12,096 s.f. Building 3 would contain 32 units and have a building footprint of approximately 9,504 s.f. Building 4 would contain 32 units and have a building footprint of approximately 9,240 s.f.

7. The following bedroom distribution is proposed:

Buildings 1 and 2:

1-BR 32 market-rate, 2 affordable
2-BR 34 market-rate, 12 affordable

Building 3:

1-BR 14 market-rate, 2 affordable

2-BR 16 market-rate

Building 4:

1-BR 16 market-rate, 1 affordable
2-BR 3 market-rate, 6 affordable
3-BR 6 affordable

8. Appurtenant improvements include access drives and parking in the form of outdoor parking spaces and garages, sidewalks, utility infrastructure, and landscaping and lighting. Outdoor recreational facilities will consist of a crushed stone surface grilling area with four grills and four tables and chairs. The basement of the Ellsworth Center building adjoining the Site is to be converted into a quasi-Community Center for the Project with indoor amenities to include a gym, media room, a common area, bike storage and self-storage. As a result of the existing Ellsworth Center redevelopment approval, the existing full access driveway from Cranbury Road will be realigned opposite Carlton Place.

9. Parking for 161 vehicles, including 6 handicap-accessible spaces, are proposed from a single loop roadway encircling three of the four buildings. Twenty-eight of the spaces will be enclosed in two garage buildings, which shall be accessible for a fee. Five parking spaces will be designated as visitor parking.

10. Six bicycle parking spaces will be provided on the Site, including two that were added as a condition of approval. Additionally, the Ellsworth basement will be available for bicycle parking, which will include charging stations for electric bicycles.

11. The existing buildings and majority of onsite improvements are to be demolished, with only the sanitary sewer system and small percentage of the existing storm infrastructure to remain.

RELIEF SOUGHT

12. In addition to seeking preliminary and final major site plan approvals, eight design waivers and four submission waivers are requested, as follows:

Design Waivers

- Permitting no loading berths whereas eight loading berths are required (Section 200-27D(2));
- Permitting the two-way shared bicycle/vehicle access driveway to be 24 feet wide whereas such shared driveway is required to be 30 feet wide (Section 200-29N(3));
- Permitting certain aisles providing access to parking stalls to be 22 feet wide whereas such aisles are required to be 24 feet wide;
- Permitting impervious material for walkways whereas pervious surfaces are required for walkways (Section 200-36.1);
- Permitting an average light intensity in footcandles of 1.0 in residential parking areas, whereas an average of 0.6 footcandles in residential areas is required (Section 200-31K);
- Permitting an architectural style that is not in a “traditional village center” style due to the proposed height and massing of the buildings, whereas the architectural detail should reflect the features of a traditional village center (Section 200-269.3B(9)(a));
- Permitting roof pitches of 3.5/12 to 4/12, whereas roof pitches of 6/12 to 12/12 are required (Section 200-269.3B(9)(d)); and
- Permitting 14 affordable units to be delivered when 50% of market units are delivered, whereas 15 affordable units (or 50%) are required to be delivered when 50% of market units are delivered (Section 200-237H).

In addition, permitting 161 – 155 usable— vehicular parking spaces exceeding the minimum off-street parking requirement of 144 parking spaces (Section 200-28D(2)(b)), requires of finding of necessity.

13. The submission waivers relate to requirements with respect to wetlands and items that would be required if preliminary and final approvals were sought separately, while the application seeks these approvals concurrently.

THE APPLICANT

14. The applicant is 400 Steps LLC, which owns the Site.

NOTICE AND JURISDICTION

15. The applicant obtained a list of all property owners within 200 feet of the property that is the subject of this application from the West Windsor Township tax office.

16. The applicant filed an affidavit stating that the notice was given at least ten days in advance of the hearing date to the surrounding property owners and to the public entities required to be noticed. The applicant has also filed a proof of publication confirming

that newspaper publication was made in accordance with legal requirements. Proper notice was given.

17. The notice and publication stated that the hearing would be held at the meeting of the Board scheduled for January 13, 2021.

18. The subject of this application is within the jurisdiction of this Board. The Board acted within the time required by law.

THE HEARING

19. The public hearing on the application was heard on the date for which it was noticed and was continued to January 20, 2021. At the hearing, the applicant and all other interested parties were given the opportunity to present evidence and to be heard.

PLANS AND REPORTS SUBMITTED

20. At the hearing, the Board reviewed the following plans and reports:

- Plans entitled "Preliminary and Final Major Site Plan – 400 Steps Block 5, Lot 19, West Windsor Township, Mercer County, New Jersey," prepared by ACT Engineers, Inc. (Robert E. Korkuch, P.E.), dated April 20, 2020, revised through December 4, 2020, consisting of 22 sheets:
 - Cover Sheet (Sheet No. 1)
 - Information Sheet (Sheet No. 2)
 - Existing Conditions Plan (Sheet No. 3)
 - Demolition Plan (Sheet No. 4)
 - Site Layout, Striping & Signage Plan (Sheet No. 5)
 - Existing Driveway Connection Plan (Sheet No. 5A)
 - Grading and Drainage Plan (Sheet No. 6)
 - Utility Plan (Sheet No. 7)
 - Landscape Plan (Sheet No. 8)
 - Lighting Plan (Sheet No. 9)
 - Landscape and Lighting Notes and Details (Sheet No. 10)
 - Construction Details (Sheet Nos. 11-15)
 - Soil Erosion & Sediment Control Plan (Sheet No. 16)
 - Soil Erosion Notes and Details (Sheet No. 17)
 - Circulation Exhibit– WB-50 (Sheet No. 1 of 3)
 - Circulation Exhibit – Ladder Truck (Sheet No. 2 of 3)
 - Circulation Exhibit – Trash Truck (Sheet No. 3 of 3)
 - Pedestrian and Bicycle Circulation Plan (1 of 1)

- Architectural plans consisting of Concept Elevations and Floor Plans, prepared by L&M Design, LLC (Laura C. Staines, R.A.), dated December 8, 2020, consisting of 25 sheets
- Architectural plans consisting of Building Elevations, prepared by L&M Design, LLC (Laura C. Staines, R.A.), dated October 23, 2020, consisting of 8 sheets
- Architectural floor plan 11" x 17" entitled "Interior Fitout for 400 Steps – Lower Floor Plan – Ellsworth's Center Princeton Junction, New Jersey," prepared by S. Gran Wityk, R.A., dated November 23, 2020, unsigned
- Report entitled "Stormwater Management Report – 400 Steps - West Windsor Township, Mercer County, New Jersey," prepared by ACT Engineers, Inc. (Robert E. Korkuch, P.E.), dated April 20, 2020, revised through December 3, 2020
- Document entitled "Stormwater Management Maintenance Plan for 400 Steps – Robbinsville Township [sic], Mercer County, New Jersey," prepared by ACT Engineers, Inc., dated December 8, 2020, unrevised
- Traffic generation assessment presented in the form of a letter from John H. Rea, P.E. and Scott T. Kennel of McDonough & Rea Associates, Inc. to Michael McCloskey of Everest Realty Group, dated August 25, 2020
- Development Application Package, including
 - Completed Development Application form
 - Completed Site Plan Checklist
 - Environmental Impact Statement Worksheet
 - Attachment D – Major Development Stormwater Summary
 - Green Development Practices Checklist

TOWNSHIP REPORTS

21. At the hearing, the Board considered the following reports presented by Township officials and bodies and consultants to the Board:

- Memorandum from David Novak, P.P. to the Board dated January 5, 2021
- Memorandum from Dan Dobromilsky, L.L.A. to the Board dated December 22, 2020
- Memoranda from Francis A. Guzik, P.E., to the Board dated November 2, 2020 (Sanitary Sewer Investigation Response & Comments) and January 5, 2021
- Memoranda from Jeffrey A. L'Amoreaux, P.E. to the Board dated January 4, 2021
- Memorandum from West Windsor Affordable Housing Committee to West Windsor Technical Review Committee, dated November 17, 2020

EXHIBITS

22. At the hearing, the Board considered the following exhibits that were introduced as evidence during the course of the hearing:

- Exhibit AS1-6 – Colored slides of aerial view and site photos
- Exhibit AA1-12 – Slides of concept and elevations

TESTIMONY AND PUBLIC INPUT

23. The testimony presented by and on behalf of the applicant and advice by Board consultants were given by the following persons:

Peter Licata, Esq. represented the applicant. Michael McCloskey, its principal; Robert E. Korkuch, P.E., its engineer; John H. Rea, P.E., its traffic consultant; Laura C. Staines Giardino, A.I.A., P.P., R.A., its architect; and Ingrid Kohler, L.L.A., its landscape architect, testified on the applicant's behalf.

The following Township staff and professionals gave advice to the Board at the hearing: David Novak, P.P.; Francis A. Guzik, P.E.; Dan Dobromilsky, L.L.A.; Jeffrey A. L'Amoreaux, P.E.; and Gerald J. Muller, Esq.

24. The statements of the members of the public made during the course of the hearing may be summarized as follows:

Alison Miller commented that the bicycle rooms should be big enough to store bicycles in an accessible way without having to move any other bicycles.

FINDINGS AND CONCLUSION RE: PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL

25. The Site was identified in the Township's court-approved HEFSP prepared in accordance with a Settlement Agreement between the Township and Fair Share Housing Center, entered on October 9, 2018, as amended, setting forth the Township's affordable housing obligations and mechanisms to satisfy them. The Township amended its Land Use Plan based upon the HEFSP.

26. As noted, the HEFSP envisioned 36 affordable units for this project, whereas 29 are proposed. This is because the 180 unit development shown in the concept plan could not be developed. The Project meets the required bedroom distribution for affordable units and slightly more than the required 20% set-aside of affordable units for the RP-12 District.

27. With the foregoing background in mind, while the Board has judged this application on its own merits, as it must every application, the Project's importance as a component of the Township's HEFSP and a mechanism to meet some of its affordable housing obligations provided a critical context that factored into the Board's consideration.

28. The Board finds the proposed affordable housing accommodations to be appropriate, taking into account the needs of individuals who will qualify for the units, as well as the applicant's interest to develop a residential facility that is commercially viable.

29. The RP-12 District and Princeton Junction Redevelopment Plan are designed to encourage an attractive, multifamily development, developed comprehensively with one development for the entire district. Accordingly, the architectural detail, style, color, proportion and massing should, as far as possible, reflect the features of a traditional village center. The Board finds that, on whole, the Project meets these aesthetic criteria, and, even though a waiver was requested with respect to architectural style, the Board recognizes the need for some flexibility in applying this design standard. Additionally, the proposed landscaping complies with the RP-12 zone requirements and will enhance the aesthetics of the new neighborhood.

30. Some concern was expressed about the impact on residents of the development of noise from passing trains, given the Site's proximity to the Northeast Corridor rail line. The applicant proposes a six-foot tall Rhinorock fence, which will extend from the westerly corner of the Site to the proposed parking garage. Additionally, per Condition 36dd, the applicant agreed to engage an acoustical consultant and adopt any other mitigation measures necessary to meet HUD guidelines as to noise and vibrations from passing trains.

31. The applicant will be providing amenities in the basement of the Ellsworth Center pursuant to Conditions 36i and 36ff.

32. The project will disturb more than one acre of land and result in the addition of more than one quarter of new impervious surfaces. Therefore, the applicant must meet all aspects of the stormwater management ordinance, which the Board finds the applicant has done satisfactorily, subject to the applicant meeting the conditions relating to stormwater management.

33. The Board finds that the Project meets the bulk standards for the RP-12 district and that the applicant has presented a compelling and viable inclusionary development that will benefit the community with the enhancement of the economy, new residents, and the provision of a significant number of affordable housing units.

34. Findings and conclusion re: preliminary and final major site plan approval. The Board finds that, with the waivers granted and conditions imposed, the applicant has met the Township site plan standards. Preliminary and final major site plan approval, accordingly, is granted.

FINDINGS AND CONCLUSIONS RE: WAIVERS AND A DETERMINATION OF NECESSITY AS TO PARKING

35. The application necessitates thirteen waivers, consisting of eight design waivers and four submission waivers, and a determination of necessity as to parking. The waivers and determination of necessity and Board's action on them are as follows:

Design Waivers and Determination of Necessity

a. Determination as per Section 200-28D(2)(b), which requires a demonstration of necessity where the minimum off-street parking requirement is exceeded. 144 parking spaces are required, whereas 161, 155 usable, are proposed, including 6 handicapped spaces.

Determination made. The proposed plan meets the ordinance requirement of a minimum of one parking space per dwelling. The excess parking spaces will ensure that there is sufficient parking for site visitors as well as residents. Literal enforcement of the ordinance provision would require the applicant to reduce the number of parking spaces that it has deemed necessary for the actual operation of the proposed use. With this, parking would be difficult given the limited availability of street parking on or near the Site. Accordingly, the finding of necessity is made.

b. Waiver: From Section 200-27D(2), which, for apartment buildings, requires a loading berth for the first 10,000 s.f. of building floor area, an additional berth for up to 100,000 s.f. and an additional berth for each 100,001 or fraction thereof over 100,001 s.f., or 8 loading berths in this case, whereas none are being provided.

Waiver granted. Loading for residents is to be accommodated through use of temporary signage allowing parking spaces to be used for loading at certain times. The Board finds the proposed plan adequately accommodates the loading needs of residents. Literal enforcement of the ordinance provision would work undue hardship on the applicant by requiring it to construct loading berths that are not necessary to adequately meet residents' needs. Accordingly, this waiver is granted.

c. Waiver: From Section 200-29N(3), which, for two-way traffic lanes, requires an independent 8-foot-wide bicycle lane or a driveway width of 30 feet, whereas the proposed shared bicycle/vehicle access driveway through the Ellsworth property is 24 feet wide.

Waiver granted. Given that bicycle usage and traffic volume are expected to be low on the Site, reducing the need for separate bicycle lanes (bicycles can more safely use the roads with fewer cars), the Board finds that the proposed plan adequately provides for safety and circulation. Literal enforcement of the ordinance provision would work undue hardship on the applicant by requiring it to increase the driveway aisles width even though 24-foot-wide aisles have been shown to be adequate and because installing 8-foot bicycle lanes would, in addition to unnecessarily increasing impervious area, require a redesign of the circulation plan even though low bicycle usage is expected and bicycles will be able to safely use the proposed roadways given low traffic volume. In addition, and critically, it would result in a reduced density and fewer affordable units. Accordingly, this waiver is granted.

d. Waiver: From Section 200-29M(1), requiring aisles providing direct access to individual parking stalls to be 24 feet wide whereas an area of one such aisle near Building 4 is proposed to be 22 feet wide.

Waiver granted. Due to site design constraints, a small section of an aisle providing access to parking stalls near Building 4 is 22 feet wide rather than the required 24 feet wide. The Board finds that the 22 foot-wide aisle is sufficient for vehicles to safely maneuver and turn, and this waiver request is therefore reasonable. Literal enforcement of the ordinance would be impracticable as the applicant would have to significantly redesign the parking areas and reduce density to meet the 24 foot requirement. Accordingly, this waiver is granted.

e. Waiver: From Section 200-36.1, requiring pervious surfaces be used for sidewalks whereas impervious material is proposed for walkways.

Waiver granted. Impervious materials are proposed for walkways due to maintenance and accessibility concerns. Literal enforcement of this ordinance provision will be impracticable as it would add to maintenance costs, which the Board must be cognizant of because this is an inclusionary development. Accordingly, this waiver is granted.

f. Waiver: From Section 200-31K(4), which requires an average intensity in footcandles of 0.6 in residential areas whereas 1.0 is proposed.

Waiver granted. The proposed lighting will result in a better-lit, but not an overly-lit site, and no increased negative impact is anticipated from the proposed lighting plan. For these reasons, the Board finds this waiver request to be reasonable and within the general purpose and intent of the ordinance, which is to provide adequate lighting. Literal enforcement of this requirement would exact undue hardship upon the applicant by requiring the lighting plan to be redesigned, potentially compromising appropriate levels of visibility. This waiver is therefore granted.

g. Waiver: From Section 200-269.3B(9)(a), which requires that architectural details reflect the features of a traditional village center, whereas an architectural style that is not in a “traditional village center” style is proposed.

Waiver granted. The Board finds that the architectural style proposed is in keeping with the intent of the ordinance and will complement the adjacent Ellsworth Center buildings. There can be no literal enforcement of this requirement because the massing of the buildings precludes the development from having all of the features of a traditional neighborhood village. This waiver is therefore granted.

h. Waiver: From Section 200-269.3B(9)(d), requiring roof pitches of 6/12 to 12/12, whereas roof pitches of 3.5/12 to 4/12 are proposed.

Waiver granted. The applicant’s architect, Ms. Giardino, testified that the required 6/12 roof pitch would exaggerate the building height more than is desirable and that the proposed 4/12 pitch is sufficient to conceal rooftop equipment. Literal enforcement of this ordinance provision would be impracticable as it would require a redesign of the buildings’ massing while the massing is acceptable as proposed. This waiver is therefore granted.

i. Waiver: From Section 200-237H requiring 50% of affordable units to be delivered when 50% of the market units are delivered, whereas 14 rather than the required 15 affordable units will be delivered when 50% of the market units will be delivered.

Waiver granted. The Board grants this waiver given the *de minimis* deviation.

j. Submission Waivers Three submission requirements for which waivers are sought, as described below, pertain when preliminary and final approvals are sought separately, whereas preliminary and final approval are sought concurrently. The other submission requirement relates to wetlands, and a temporary waiver is being sought while the applicant applies for a Freshwater Wetlands General Permit for maintenance and repair of the existing stormwater basin. Given this, the Board finds the waiver requests to be reasonable and within the general purposes and intent of the ordinance. Literal enforcement of these requirements would exact undue hardship upon the applicant by requiring information that does not pertain to this application, or, in the case of the wetlands, will be provided. Accordingly, these waivers are granted.

Waiver granted: From Section 200-14C(1)(a), which requires submission of the approved preliminary site plan, whereas no separate preliminary site plan is submitted.

Not applicable when preliminary and final approvals are sought together.

Waiver granted: From Section 200-14C(1)(b)(1), which requires the submission of final plans for site development and improvement, including construction details, whereas no separate plans are being submitted.

Not applicable when preliminary and final approvals are sought together.

Waiver granted: From 200-14C(1)(b)(5), which requires submission of a final landscape plan, whereas no such separate plan is being submitted.

Not applicable when preliminary and final approvals are sought together.

Temporary waiver granted: From Section 200-13C(9), which requires submission of a metes and bounds description of wetlands and Letter of

The applicant will be applying for a Freshwater Wetlands GP-1 for maintenance and repair of existing features.

Interpretation from NJ DEP, whereas such items are not being submitted at this stage.

CONDITIONS REQUIRED

36. The Board finds that, in order to address the concerns expressed during the course of the hearing and to limit the relief to that reasonably necessary to satisfy the applicant's legitimate requirements, the relief granted is subject to the following conditions:

Site plan

a. The garage depths shall be reduced to 21 feet.

Traffic, circulation, and parking

b. Conduits for electric vehicle charging stations shall be installed in each garage.

c. Electric vehicle charging stations for four parking spaces will be installed by the leasing office.

d. A pedestrian access route connecting the Site to Cranbury Road shall be provided, and an easement agreement with the Ellsworth property owner shall be executed ensuring the same. The route shall be described in each lease and posted in each building through signage, and maps showing the route shall be made available to residents of the premises.

e. Title 39 shall be implemented on the Site.

f. The applicant shall prepare an instrument, subject to review and approval by the Board Attorney, establishing that the Ellsworth Center tenants, customers and guests may not use parking spaces on the Site.

g. Residents of the Site shall be issued an identification for cars showing that they can be parked on the Site.

h. Five of the parking spaces by the leasing office shall be designated as visitor parking spaces.

i. Charging stations for electric bikes in the bike room in the Ellsworth basement shall be provided.

j. A third 2-bicycle bike rack shall be installed, by the leasing office.

k. Subject to County approval, pavement marking consistent with the approved site plan drawings for the Ellsworth Center shall be installed on Cranbury Road at the proposed access when the Ellsworth access driveway is relocated.

l. Monument signing details for the Site signage at the intersection of the access driveway and Cranbury Road in accordance with the Ellsworth Center site plan approval and the RP-12 district requirements shall be provided.

m. Township emergency services shall determine whether the proposed striping/markings provisions with respect to the “No Parking Fire Lane” shown on the Construction Details Sheet are appropriate. The applicant shall modify the markings to the extent required by emergency services.

n. Cross-hatched pavement marking areas shall have appropriate details specifying angle, spacing and pavement marking material.

o. The ADA Parking & Penalty Sign Detail on Sheet 11 shall show the R7-8P Van Accessible plaque as 18” wide by 9” height, and other elements of the details shall reflect proper proportions. The sign posts for the plaque shall be longer to accommodate this revision.

p. The double-striped lines for the Hairpin Striping Detail on Construction Details Sheet 11 of 17 shall be 18” on center, not 18” outside-of-line-to-outside-of-line.

Storm water management

q. The applicant shall address the timing of the construction of the bioretention basin and shall complete construction of the detention basin modifications, except for final landscaping, prior to issuance of any building permits for the development.

r. The stormwater management Maintenance Plan shall be revised to be in accordance with the NJDEP Maintenance Guidance. It shall be filed with the deed and shall be subject to the review and approval of the Township Engineer.

s. The modified detention basin, any areas proposed for ground water recharge, and any water quality mechanical treatment devices shall be placed in an easement that prevents their alteration, removal or neglect. The Township shall have the right but not obligation to enter the Site and perform any required maintenance under the plan should the owner fail to do so. The cost of any repairs undertaken by the Township shall be a lien against the property.

Utilities

t. The applicant shall take ownership of the existing sanitary sewer system up to its connection with the Township's 30 inch diameter sewer trunk line and shall ensure that it is functioning properly, and any applicable easements to Lot 19 across Lot 15 shall be identified on the project plans.

u. Prior to the issuance of any Certificate of Occupancy, the applicant shall resolve the outstanding technical issues identified by the Township Engineer with respect to putting the existing sewer line into active service.

v. A sanitary sewer report identifying the expected sewer demand for the project shall be provided.

w. The applicant shall submit to the Township Engineer a request for reservation of sewer capacity, which shall be submitted for Township Council action. A TWA from NJDEP shall be submitted.

x. Further investigation shall be done of several areas of the sewer pipe on Lot 15 found to have defects. This would include more detailed video inspection (after heavy

cleaning), pressure or mandrel test or excavation at the pipe joints to verify that the piping is watertight and sufficient for carrying effluent from the proposed buildings.

y. With respect to the existing sanitary sewer piping upstream (east) of MH 3 on the studied lot and west in the easement on the neighboring Lot 15, the 515 ft of 8 inch pipe that connects to the West Windsor public sanitary sewer system shall be evaluated for sufficiency prior to allowing flow from the new and existing sanitary sewer system to the existing system.

z. The following issues identified at the inspection on September 4, 2020 by North American Pipeline Services, LLC of several onsite sanitary sewer pipes shall be addressed:

MH 2 to Buried MH 3A:	Debris was found to block the camera at 35' from MH 2 to 3A prior to cleaning. Post cleaning there was still debris that jetting would not clear. MI-13A was buried and not recovered during this inspection. No structural defects in this pipe. No evaluation of pipe slope was completed and this is recommended.
Mil 2 to MH 1:	Debris blocked the pipe near the downstream (MH 1) end of the run post jetting. No debris after cleaning. The inspection did not call out the large joint gap at 143 feet - this needs further investigation. There is an intruding sealing (joint) ring hanging from the joint near 180.7 feet from MH 2 to 1.
MH 2 to MH 3:	There is a crimped (damaged) pipe end at 12 o'clock at 230' from MH 2. No apparent infiltration of soil and/or water. Further investigation warranted.

Lighting

aa. The applicant shall provide the footcandle intensity for the different areas of the Site in tabular form on the lighting plan.

Emergency services

bb. The Director of Emergency Services shall confirm the accuracy of the detail in the circulation detail swept path and whether it matches the detail shown in profile.

Other

cc. The leases shall provide that the lofts cannot be used as bedrooms. There shall be a knee wall and no closet.

dd. The applicant shall, in consultation with the Township Engineer and subject to his review and approval, engage an acoustical consultant and adopt any mitigation measures necessary to meet HUD guidelines as to noise and vibrations from passing trains.

ee. The applicant shall explore use of solar panels on the garages. The results of such exploration shall be reported to the Township Engineer.

ff. The long-term lease for part of the Ellsworth basement with an option to purchase that is being negotiated shall be submitted to the Board attorney for approval as to uses. Such lease with option is a precondition of perfecting the site plan.

gg. The applicant shall offer, for a fee, a pickup service for trash to be brought to the dumpster. This service shall be free for the permanently handicapped.

hh. With respect to the proposed demolition and construction of improvements on portions of Lot 20 and the new sewer lateral to service the basement level of the building that is on Lot 20.02, proof of consent of the owner(s) of Lots 20 and 20.02, and a copy of the easement agreement or other mechanism that facilitates this work shall be provided before a building permit is sought and shall be subject to Township staff approval.

ii. Metes and bounds descriptions for all proposed easements and dedications, with closure calculations for the same, shall be submitted for review and approval by the Township Engineer. The forms of any easements and dedication shall be reviewed and approved by the Board Attorney. The easements shall address access to the Ellsworth basement, the pedestrian route to Cranbury Road, vehicular use of the Ellsworth Driveway, and such other easements as are necessary.

jj. The existing cross-access easement shall be reviewed and, in accordance with Section 200-269.3B(6)(b), a new cross-access easement shall be executed with the adjoining property owner if needed. The metes and bounds of any such easement, and the form of the instrument, shall be subject to approval by the Township Engineer and Board Attorney.

kk. The applicant shall provide its off-tract assessment in accordance with Section 200-88 of the ordinance for which a developer's agreement shall be executed.

ll. A construction cost estimate prepared by the applicant's engineer shall be submitted for review and approval by the Township Engineer to determine the amounts of guarantees and fees required to be posted with the Township. A performance guarantee and construction inspection escrow fees shall be posted to the extent required by law.

mm. The applicant shall provide, via both hard copy and electronic format, approved site plans being submitted for signature, and as-built surveys upon project completion. Electronic copies of the stormwater management report and maintenance plan shall be submitted upon approval by the Office of the Township Engineer.

nn. The applicant shall provide electronic copies of its stormwater management report and BMP Operation and Maintenance Manual, along with all maps applicable to the same, once those are approved by the Township Engineer.

oo. The following approvals shall be obtained, if required:

- Mercer County Planning Board
- Mercer County Soil Conservation District
- Delaware and Raritan Canal Commission
- NJDEP Treatment Works Approval
- NJDEP LOI/Wetlands General Permit

CONCLUSION

Based on the foregoing, the Board at its January 20, 2021 meeting voted to approve the plans with revisions made therein and as supplemented and modified by the exhibits and to grant the relief identified above subject to the conditions and to be revised in accordance with the conditions set forth herein.

This resolution of memorialization was adopted on April 28, 2021 by a vote of who voted to grant the relief sought by the applicant.

The date of decision shall be January 20, 2021 except that the date of the adoption of this memorializing resolution is the date of decision for purposes of (1) mailing a copy of the decision to the applicant within 10 days of the date of the decision; (2) filing a copy of the decision with the administrative officer; and (3) publication of a notice of this decision. The date of the publication of the notice of decision shall be the date of the commencement of the vesting protection period.

We do hereby certify that the foregoing resolution was adopted by the Planning Board at its regular meeting held on April 28, 2021. This resolution memorializes formal action taken by the Board at its regular meeting held January 20, 2021.



4/28/21

Gene R. O'Brien, Chair



Lisa Komjati

Lisa Komjati, Secretary

Gene O'Brien, Chair – Yea
Michael Karp, Vice Chair – Absent
Sue Appelget – Absent
Anis Baig – Yea
Linda Geevers – Yea
Curtis Hoberman – Yea
Hemant Marathe – Yea
Simon Pankove – Absent
Allen Schectel – Absent
Jyotika Bahree, Alternate I – Absent
Saju Joseph Alternate II – Absent

Appendix D-10:
Resolution re: The Townes at West
Windsor

WEST WINDSOR TOWNSHIP PLANNING BOARD

In the Matter of the Application of	)	FINDINGS OF FACT
<u>American Properties at West Windsor,</u>	)	AND
<u>LLC (Heritage Village) for Preliminary</u>	)	CONCLUSIONS OF LAW
<u>and Final Site Plan and Subdivision</u>)	
<u>Approval with Waivers</u>	)	File No. PB 19-08 Block 28, Lot 15 and Lot 21
	)	Approval granted: October 14, 2020

Be it resolved by the Planning Board of the Township of West Windsor that the action of this Board on October 14, 2020 in this matter is hereby memorialized by the adoption of this written decision setting forth the Board's findings and conclusions.

BACKGROUND

1. The site ("Site"), consisting of approximately 66.74 acres on Block 28, Lots 15 and 21, is located in the easterly corner of the Township, near the intersection of Edinburg Road and Princeton-Hightstown Road, in the R-5D District.
2. The Site is undeveloped farmland, containing wetlands and associated buffer areas, a pond near the northwesterly corner and several easements: a 10-foot-wide drainage easement along the rear northwestern property line; a 35-foot-wide drainage and access easement along the westerly property line; and drainage easements and ditches bisecting the property. A section of proposed greenbelt lies in the northern portion of the Site, but no development is proposed for this area. The 13.55 acres of wooded area will remain.
3. Surrounding land uses consist of farmland, a golf center and other non-residential uses to the north; farmland and non-residential uses to the east; commercial uses and several multifamily developments to the south; and the Renaissance/Elements inclusionary residential development to the west.
4. The Site is identified in the Township's February 2019 Housing Element and Fair Share Plan ("HEFSP") as a site to address the Township's affordable housing

obligation. According to the HEFSP, the Township intended to rezone the Site to a new R-5D Residence Affordable Housing District that would permit townhomes and stacked flats at a maximum density of 25 per acre and group homes in detached dwellings or attached to townhouses for individuals with developmental disabilities. Ordinance 2019-05 creating the R-5D District was adopted by the Township Council on March 18, 2019 and became effective on April 8, 2019.

JURISDICTION AND RELIEF SOUGHT

5. The subject of this application is within the jurisdiction of this Board. The Board acted within the time required by law.

6. The applicant seeks preliminary and final major subdivision and site plan approval to construct a multifamily development consisting of 258 units, including 60 affordable apartment units and an affordable group home (“Group Home”) with 4 bedrooms, for a total of 64 affordable credits, equivalent to the required 25% set-aside, and 194 market-rate units. A total of 44 residential buildings (18 four-unit buildings, 4 five-unit buildings, 7 six-unit buildings and 15 eight-unit buildings) are proposed in addition to the Group Home.

7. More specifically, the applicant seeks:
 - i. Preliminary and final major subdivision approval to subdivide the Site into 3 new lots, proposed Lot 15.02 to be 54.78 acres; proposed Lot 15.03 to be 10.21 acres of open space to be dedicated to the Township; and proposed Lot 21.01 to be 1.27 acres;
 - ii. Preliminary major site plan approval to construct on Lot 21.01 the Group Home; and
 - iii. Preliminary and final major site plan approval to construct in two phases, as further described below, on Lot 15.02 the 254 multi-family residential dwelling units, together with roads, sidewalks, on- and off-street parking, street lighting, landscaping, stormwater management facilities, and other utility infrastructure and recreational facilities, including a clubhouse (further described below).

8. The majority of the proposed units will be located within the southerly half of the Site outside of the Site’s environmentally constrained areas. One townhouse building

and the Group Home will be located on the northerly portion of the Site, near Princeton-Hightstown Road.

9. The proposed Group Home will be one story and have a total floor area of 2,923 s.f. In addition to the four bedrooms, it will contain an office, study, living room, kitchen, laundry room, dining room, and three bathrooms. Access to it will be provided by proposed Road B. Nine parking spaces, included one ADA space, are proposed for the Group Home along its westerly side.

10. A boulevard entrance to the Site will provide access to and from Old Trenton Road and a secondary driveway will offer access to and from Princeton-Hightstown Road.

11. A total of 710 parking spaces are proposed to be located on Site, including both surface and garage spaces and 23 banked spaces.

12. A clubhouse is proposed to be located within the southerly portion of the Site, near the Edinburg Road entrance. It is to contain a lobby, business center, fitness room, billiards/game room, great room, kitchen and bathroom facilities. A pool and patio are to be located at the rear, in addition to a lounge terrace, meditation garden, community garden, grilling and dining area, yoga/exercise lawn, movie/entertainment area, sitting steps, children's play areas, and tennis courts. All of the active recreation amenities are to be clustered together near the development entrance from Old Trenton Road.

13. Construction is planned in two phases. Phase 1 will include nine multifamily buildings, the clubhouse, and recreation elements, wet pond, portions of Road A and Road E, and the entirety of Road B and Road C. Phase 2 will cover the remaining 35 multi-family buildings, the group home, and remaining roadways.

14. Five design waivers are requested, and four submission waivers. The design waivers are as follows:

- From Section 200-28D(2)(b), to exceed the minimum number of required parking spaces for residential uses, 588 (including the requirement of 3 spaces for the Group Home), whereas 710 parking spaces are proposed;

- From Section 200-36.1, to provide less than the required amount of pervious surfaces;
- From Section 200-36B(2)(a), to permit townhouse façade offsets on buildings of more than 80 feet in length to be slightly less than the minimum 2 feet required;
- From Section 200-31K (2), to exceed the required light intensity of 3.0 footcandle at the intersection of CR 535 and CR 571, where a greater than 3.0 footcandle is proposed.
- From Section 200-31K (2), to provide less than the required light intensity of 3.0 footcandle at intersections throughout the Site, whereas a 1.5 footcandle is proposed.

15. The applicant indicated that it will also seek the following *de minimis* waivers from the RSIS parking requirements:

- From *N.J.A.C. 5:21-4.14(d)(3)*, which requires a two-car garage and driveway combination with a 20-foot wide driveway to count as 3.5 off-street parking spaces, whereas a two-car garage and driveway combination with an 18-foot wide driveway is proposed to count as 2.5 off-street parking spaces;
- From *N.J.A.C. 5:21-4.14(b)*, which requires 689 parking spaces to be provided (excluding banked spaces), whereas 687 parking spaces are proposed; and
- From *N.J.A.C. 5:21-4.14(b)*, which requires 97 guest parking spaces for 194 townhouses to be provided, whereas 74 guest spaces are proposed.

16. The submission waivers relate to items that would be required if preliminary and final approvals were sought separately, while the application seeks these approvals concurrently.

THE APPLICANT

17. The applicant is American Properties at West Windsor, LLC. The owner, Thompson Realty Co. of Princeton, Inc., has consented to the application.

NOTICE

18. The applicant obtained a list of all property owners within 200 feet of the property that is the subject of this application from the West Windsor Township tax office.

19. The applicant filed an affidavit stating that the notice was given at least ten days in advance of the hearing date to the surrounding property owners and to the public entities required to be noticed. The applicant has also filed a proof of publication confirming that newspaper publication was made in accordance with legal requirements. Proper notice was given.

20. The notice and publication stated that the hearing would be held at the meeting of the Board scheduled for September 23, 2020.

THE HEARING

21. The public hearing on the application was heard on the date for which it was noticed and was continued to October 14, 2020. At the hearing, the applicant and all other interested parties were given the opportunity to present evidence and to be heard.

PLANS PRESENTED

22. At the hearing, the Board reviewed the following plans:

- Plans entitled "Preliminary/Final Major Site Plan and Subdivision – Heritage at West Windsor – Block 28, Lots 15 & 21 – Township of West Windsor, Mercer County, New Jersey" prepared by MidAtlantic Engineering Partners, LLC, (William J. Parkhill, II, PE) dated March 5, 2020, revised through August 31, 2020, consisting of 38 sheets (Sheets 1, 4, 7, 12, 16 and 30 being revised through October 2, 2020):
 - Title Sheet (Sheet No. 1)
 - Overall Existing Conditions (Sheet No. 2)
 - Overall Geometry Signage & Striping Plan (Sheet No. 3)
 - Geometry, Signage & Striping Plan (Sheet Nos. 4-7)
 - Zaitz Trail Exhibit (Sheet No. 8)
 - Overall Grading Plan (Sheet No. 9)
 - Grading Plan (Sheet Nos. 10-12)
 - Overall Utility Plan (Sheet No. 13)
 - Utility Plan (Sheet Nos. 14-16)
 - Profiles (Sheet Nos. 17-21)
 - Overall Landscape & Recreation Plan (Sheet No. 22)
 - Landscape Plan (Sheet No. 23-25)

- Separation Profiles (Sheet No. 26)
 - Foundation Plantings (Sheet No. 27)
 - Lighting Plan (Sheet Nos. 28-30)
 - Lighting & Landscape Detail (Sheet No. 31)
 - Soil Erosion & Sediment Control Plan (Sheet Nos. 32-34)
 - Soil Erosion & Sediment Control Details (Sheet No. 35)
 - Construction Details (Sheet Nos. 36-38)
- Architectural plans entitled "Heritage at West Windsor – New Townhouse Project– West Windsor Township, Mercer County, New Jersey" prepared by Chester, Ploussas, Lisowsky Partnership, LLC (Robert S. Larsen, RA) dated February 28, 2020, revised through September 30, 2020, consisting of 12 sheets:
 - Cover Sheet (Sheet No. 1)
 - Model A & B Floor Plans (Sheet No. 2)
 - Model B-1 & COAH Floor Plans (Sheet No. 3)
 - Model C, C-1 & D 'Villa' Floor Plans (Sheet No. 4)
 - Building Plans (Sheet Nos. 5-7)
 - Elevations (Sheet Nos. 8-10)
 - Group Home Floor Plans & Elevations (Sheet No. 11)
 - Clubhouse Floor Plans & Elevation (Sheet No. 12)
- Survey plans entitled "Wetlands Survey Prepared for American Properties Realty Situated in the Lots 15 & 21 in Block 28 in the Township of West Windsor, Mercer County, New Jersey" prepared by Ensurplan, Inc., (Nancy J. Scott, PLS) dated January 23, 2019, revised through July 7, 2020, consisting of five sheets
- Plan entitled "Clubhouse & Amenity Plan" prepared by Melillo + Bauer Associates (Thomas B. Bauer, RLA) dated August 31, 2020, unrevised, consisting of one sheet
- Plans entitled "Turning Template – Block 28, Lots 15 & 21– Heritage at West Windsor – Situated in Township of West Windsor, Mercer County, New Jersey" prepared by MidAtlantic Engineering Partners, LLC, (William J. Parkhill, II, PE) dated March 5, 2020, revised through July 10, 2020, consisting of four sheets
- Plan entitled "Preliminary/Final Major Site Plan and Subdivision – Block 28, Lots 15 & 21 – Heritage at West Windsor – Construction Phasing Plan – Situated in Township of West Windsor, Mercer County, New Jersey" prepared by MidAtlantic Engineering Partners, LLC, (unattributed and unsigned) dated March 24, 2020, revised through July 10, 2020, consisting of one sheet
- Plan entitled "Preliminary/Final Major Site Plan and Subdivision – Block 28, Lots 15 & 21 –Heritage at West Windsor – Snow Storage Plan – Situated in Township of West Windsor, Mercer County, New Jersey" prepared by MidAtlantic Engineering Partners, LLC, (unattributed and unsigned) dated March 5, 2020 revised through August 31, 2020, consisting of one sheet

- Plan entitled "Major Subdivision Plat – Block 28, Lots 15 & 21 – Heritage at West Windsor – Situated in Township of West Windsor, Mercer County, New Jersey" prepared by MidAtlantic Engineering Partners, LLC, (Suzanne E. Warren, PLS) dated March 5, 2020, revised through August 31, 2020, consisting of one sheet

TOWNSHIP REPORTS

23. At the hearing, the Board considered the following reports presented by Township officials and bodies and consultants to the Board:

- Memoranda from David Novak, P.P. to the Board dated September 15 and October 13, 2020
- Memorandum from Dan Dobromilsky, L.L.A. to the Board dated September 15, 2020
- Memoranda from Francis A. Guzik, P.E. to the Board dated September 15, September 22, and October 13, 2020
- Memoranda from James L. Kochenour, P.E. to the Board dated September 15 and October 13, 2020
- Memorandum from Timothy M. Lynch, West Windsor Township Fire & Emergency Services, dated September 11, 2020
- Memoranda from West Windsor Technical Review Committee to the Board dated September 15 and October 12, 2020
- Memoranda from Christopher B. Jepson, P.E. to the Board dated September 14 and October 12, 2020

EXHIBITS AND APPLICANT'S REPORTS

24. At the hearing, the Board considered the following reports prepared by the applicant's consultants and advisors and the following exhibits that were introduced as evidence during the course of the hearing:

- Exhibit A-1 – Booklet
- Exhibit A-2 – Aerial image on presentation board
- Exhibit A-3 – Rendered version of site plan on presentation board
- Exhibit A-4 – Mercer County Planning Board letter with conditions of County Planning Board approval
- Exhibit A-5 – Conceptual trash enclosure, prepared 9/23/2020
- Exhibit A-6 – Townhome front on presentation board
- Exhibit A-7 – Townhome rear on presentation board
- Exhibits A-8 through A-11 – Materials boards
- Exhibit A-12 – Villa front on presentation board

- Exhibit A-13 – Villa rear on presentation board
- Exhibit A-14 – Market affordable front on presentation board
- Exhibit A-15 – Market affordable rear on presentation board
- Exhibit A-16 – Clubhouse and amenities rendering on presentation board
- Exhibit A-17 – Overall Geometry, Striping and Signage Plan (Sheet 4 of 3 of revised submission), prepared October 2, 2020
- Exhibit A-18 – New proposed location of swale to pipe
- Exhibit A-19 – Group home – Sheet 11 of 12
- Report entitled "Stormwater Management Report for American Properties – Block 28, Lot 15 & 21 – West Windsor Township, Mercer County, New Jersey" prepared by MidAtlantic Engineering Partners, LLC, (William J. Parkhill, II, PE) dated March 5, 2020, revised through August 31, 2020;
- Document entitled "Operation & Maintenance Manual for Stormwater Management Facilities for Heritage at West Windsor – Block 28, Lots 15 & 21 – Township of West Windsor, Mercer County, New Jersey" prepared by MidAtlantic Engineering Partners (unattributed) dated June 12, 2020, revised through August 24, 2020;
- Report entitled "Sanitary Sewer Report for Heritage at West Windsor – Block 28, Lots 15 & 21 – West Windsor Township, Mercer County, New Jersey" prepared by MidAtlantic Engineering Partners, LLC, (Michael V. Weseloski, PE) dated March 5, 2020, revised through August 31, 2020;
- Report entitled "Report of Geotechnical Engineering Assessment – Heritage at West Windsor – Township of West Windsor, Mercer County, New Jersey" prepared by French & Parelllo Associates (Joseph M. Tierney, PE) dated June 18, 2019, revised through January 30, 2020;
- Report entitled "Traffic Engineering Assessment – Heritage at West Windsor – Block 28, Lots 15 and 21 – Old Trenton Road (CR 535) and Princeton-Hightstown Road (CR 571) – West Windsor Township, Mercer County, NJ" prepared by Shropshire Associates, LLC (Nathan B. Mosley, PE, CME) dated August 21, 2020;
- Report entitled "Group Home Trip Generation Analysis – Heritage at West Windsor – Block 28, Lots 15 and 21 – Old Trenton Road (CR 535) and Princeton-Hightstown Road (CR 571) – West Windsor Township, Mercer County NJ" prepared by Shropshire Associates, LLC (Nathan B. Mosley, PE, CME) dated October 2, 2020;
- Freshwater Wetlands Letter of Interpretation: Line Verification, File and Activity No.: 1113-04-0011.3 FWW190001 for Block 28, Lots 15 & 21 issued on October 30, 2019; and
- Legal descriptions prepared by MidAtlantic Engineering Partners (Suzanne E. Warren, PLS), all dated August 31, 2020, unrevised, including:
 - Princeton-Hightstown Road (CR 571) ROW Dedication to Mercer County (two locations);
 - Edinburg Road (CR 535) ROW Dedication to Mercer County;
 - 15'-Wide Drainage Easement;
 - 20'-Wide Drainage Easement;
 - 35'-Wide Sidewalk and Landscape Easement (two locations); and

- 50'-Wide Landscape Easement
- Development Application Package, including Development Application, Site Plan Checklist, Subdivision Checklist, owner's affidavit prepared by Thompson Realty Co. of Princeton, Inc., certificate of title, proof of payment of taxes, and list of checklist submission waivers prepared by MidAtlantic Engineering Partners, LLC, dated March 9, 2020
- Report entitled "Environmental Impact Statement – Prepared according to Township of West Windsor Land Use Regulations Chapter 200-23 (Environmental Considerations) – Document for Heritage at West Windsor - Block 28, Lots 15 & 21 – Township of West Windsor, Mercer County, New Jersey" prepared by MidAtlantic Engineering Partners, LLC, (William J. Parkhill, II, PE) dated March 5, 2020, revised through September 16, 2020
- Report entitled "Capacity Analysis Report – Sewer Evaluation – Heritage at West Windsor –Township of West Windsor, County of Mercer, State of New Jersey" prepared by Suburban Consulting Engineers, Inc., (Michael K. McAloon, PE) dated March 6, 2020, revised through September 16, 2020
- Earthwork calculation spreadsheet with color exhibit showing areas and degrees of cut/fill requirements, dated April 14, 2020
- Letters from Leslie R. Floyd, Planning Director, Mercer County Planning Board, to Michael V. Weselowski, PE, dated July 17
- Energy Compliance Analysis prepared by ReVireo, dated May 22, 2020
- Letter from Frank J. Petrino to Gerald J. Muller, dated October 9, 2020

TESTIMONY AND PUBLIC INPUT

25. The testimony presented by and on behalf of the applicant and advice by Board consultants were given by the following persons:

Frank J. Petrino, Esq. represented the applicant. Greg Kanter, its Vice President of Acquisitions & Development; William J. Parkhill, II, PE, its civil engineer; Michael K. McAloon, PE, its sewer engineer; Nathan B. Mosley, PE, its traffic engineer; Robert S. Larsen, RA, PP, its architect; and John Duda, L.L.A., its landscape architect testified on the applicant's behalf.

The following Township staff and professionals were sworn and/or gave advice to the Board at the hearing: David Novak, P.P.; Francis Guzik, P.E.; Ian Hill, P.E.; James L. Kochenour, P.E.; and Gerald J. Muller, Esq.

26. The statements of the members of the public made during the course of the hearing may be summarized as follows:

Dr. Zak Maniya, 102 S. Longfellow Drive, requested that, if screening is insufficient to block headlight glare from cars in spaces adjacent to the mosque, the applicant install a fence.

David Koehler, 37 San Marco Street, and Robert Magnusson, 5 San Marco Street, commented on traffic.

Terry Alam, 14 Winwood Drive, asked whether dogs would be accommodated.

John Church inquired who would pay for the sewer.

Mohammed Rahman, 42 Spruce Street, commented on access to the mosque.

FINDINGS AND CONCLUSIONS RE: (1) PRELIMINARY AND FINAL MAJOR SUBDIVISION APPROVAL; (2) PRELIMINARY MAJOR SITE PLAN APPROVAL FOR GROUP HOME; AND (3) PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL FOR RESIDENTIAL HOMES

27. The Board notes that the Site is part of the Township's court-approved HEFSP prepared in accordance with a Settlement Agreement between the Township and Fair Share Housing Center, entered on October 9, 2018, as amended, setting forth the Township's affordable housing obligations. The Township rezoned the Site, with the passage of Ordinance 2019-05, to a new R-5D Residence Affordable Housing District to permit for the density and 25% affordable housing set aside proposed by this application. Of the 64 affordable units proposed, 60 are to be built as part of this application, with the other four in the form of the Group Home to be completed by a developer of group homes that will build and operate it. The applicant has submitted an application substantially in accordance with the zoning requirements that seeks no variances and only relatively minor waiver approvals, as further noted below. Given this background and the importance of meeting the Township's affordable housing obligations, to which this project makes a significant contribution, the Board starts with a keen interest to ensure that the project is designed in such a way as to merit approval.

28. This application raised the question of who is responsible for the construction of and payment for the infrastructure for the additional sewer capacity necessary for this project and other projects in the watershed that are expected to eventually come on line. The applicant was asked to evaluate improvements required for all non-sewered properties within the

Southfield Pump Station drainage basin, within which the Site is located. The evaluation included not only the Pump Station itself, but also the sewer infrastructure downstream, and estimated costs therefor. Resolution of the final wastewater design and service issues, including allocation of cost and reimbursement, as approved by the Township Engineering Department, was made a condition of approval and is addressed in Conditions kk and ll.

29. The Group Home is to be built in the second phase of construction. Mr. Kanter, the applicant's representative, indicated at the hearing that if construction of it is not proceeding within the applicable timeframe, then the applicant will build it. Condition yy provides for this. The Group Home will service developmentally disabled persons who will be assisted by staff. Nine parking spaces are allotted to the building. At this time, only preliminary approval is sought for the Group Home as the applicant intends for completion of that element of the project to be done by another developer.

30. A *de minimis* exception from RSIS is sought for providing fewer parking spaces than is required by the RSIS while, paradoxically, the applicant is providing more parking spaces than is permitted by Township Code. The applicant proposes 710 parking spaces, which includes 23 banked spaces and spaces in driveways and garages.

31. The project will disturb more than one acre of land and result in the addition of more than one quarter of an acre of new impervious surfaces. Therefore, the applicant must meet all aspects of the storm water management ordinance, which the Board finds the applicant has done satisfactorily. Subject to the applicant meeting the Conditions relating to storm water management, the Board finds the stormwater management plan acceptable.

32. The Board finds that the proposed plan offers an efficient layout and design to create a functional inclusionary development consistent with surrounding land uses and with the Township's design standards. It offers residents an active recreation area with features such as a pool, community garden and children's play areas. The Board finds that the development will benefit the community with the enhancement of the economy, new residents to support existing retail establishments, and the provision of a significant number of affordable housing units.

33. The Board finds the affordable housing design and integration of the affordable units with the market rate units as shown on the site plan are consistent with applicable guidelines.

34. Findings and conclusions re: (1) preliminary and final major subdivision approval; (2) preliminary major site plan approval for the Group Home; and (3) and preliminary and final major site plan approval for residential homes. The Board finds that, with waivers and *de minimis* exceptions granted and conditions imposed, the applicant has met all Township major site plan and subdivision standards. Preliminary and final major subdivision approval; preliminary major site plan approval for the group home; and preliminary and final major site plan approval for the residential homes, accordingly, are granted.

FINDINGS AND CONCLUSIONS RE: WAIVERS AND *DE MINIMIS* EXCEPTIONS

35. The application necessitates five design waivers, three *de minimis* waivers from the RSIS parking requirements, and four submission waivers. The waivers and exceptions and the Board's action on them are as follows:

a. Waiver. From Section 200-28D(2)(b), which requires a demonstration of necessity where the minimum off-street parking requirement is exceeded for residential uses. 588 parking spaces are required, whereas 710 parking spaces are proposed.

Waiver granted. The Board finds that the number and proposed location of the excess parking spaces are acceptable. Therefore, an exception from the ordinance standard is reasonable. It comes within the general purposes and intent of the standard, which is to provide an appropriate amount of parking. Literal enforcement of the standard and permitting no more than 588 parking spaces would work an undue hardship on the applicant in that insufficient parking would be provided. This waiver is therefore granted.

b. Waiver. From Section 200-36B(2)(a), which requires that the planes of facades of townhouses be no more than 80 feet in length without at least a 2-foot offset, whereas less than a 2-foot offset is being proposed for Building Types A, B, C and E.

Waiver granted. The rear of the buildings to which this waiver apply will feature fencing and landscaping, and alternative façade materials consisting of board and batten vertical siding and trim on the townhouse buildings, which will improve the aesthetics of these aspects. Additionally, Building Type C will have a lower roof, providing additional articulation. For these

reasons, and because the deviation from the ordinance is minimal, the Board finds this waiver request to be reasonable and within the general purpose and intent of the ordinance, which is to provide for the appropriate design of single row townhouses. Literal enforcement of this ordinance provision would create undue hardship by requiring the applicant to redesign the layout and facades of the residential buildings. This waiver is therefore granted.

c. Waiver. From Section 200-36.1, which requires that impervious surfaces be used for all drives and parking areas, and that pervious surfaces be used for all other paved areas, whereas the applicant proposes pervious pavers between adjacent driveways, for the playground and “tot lots” and access to the basin.

Waiver granted. The applicant indicated that the Site is not suitable for infiltration due to its extremely poor permeability test results. Therefore, literal enforcement of this ordinance provision would create undue hardship by requiring pervious surfaces that are not consistent with sound engineering and planning. For these reasons, and because the deviation from the ordinance is minimal, the Board finds this waiver request to be reasonable and within the general purpose and intent of the ordinance, which is to provide adequate drainage and minimize impervious coverage, and the proposed drainage plan is adequate and the impervious coverage is minimized to the extent possible given existing conditions. Accordingly, this waiver is granted.

d. Waiver. From Section 200-31K(2), which requires a 3.0 footcandle at intersections whereas footcandles in excess of 3.0 are proposed at the Site’s intersections with CR 571 and 535.

Waiver granted. The proposed lighting will result in better-lit, safer intersections where vehicles access the Site. The excess in required footcandles at these locations is minimal and will not negatively impact the Site or surrounding neighborhood. For these reasons, the Board finds this waiver request to be reasonable and within the general purpose and intent of the ordinance, which is to provide adequate and safe lighting. Literal enforcement of this requirement would exact undue hardship upon the applicant because it would require the lighting plan to be redesigned, which is not feasible without impacting the safety of the site or compromising appropriate levels of visibility. This waiver is therefore granted.

e. Waiver. From Section 200-31K(2), which requires a 3.0 footcandle at intersections whereas footcandles of 1.5 are proposed at intersections throughout the Site.

Waiver granted. The proposed lighting will result in more appropriately lit intersections for the level of usage interior to the Site. The reduction in required footcandles at these locations is more appropriate for a residential neighborhood. Due to limited number of vehicular trips and low posted speed limits, the reduction in footcandles will not negatively impact the Site or surrounding neighborhood. For these reasons, the Board finds this waiver request to be reasonable and within the general purpose and intent of the ordinance, which is to provide adequate and safe lighting. Literal enforcement of this requirement would exact undue hardship upon the applicant because it would require the lighting plan to be redesigned, potentially compromising appropriate levels of visibility. This waiver is therefore granted.

f. *De minimis* exception. From N.J.A.C. 5:21-4.14(d)(3), which requires a two-car garage and driveway combination with a 20-foot-wide driveway to count as 3.5 off-street parking spaces, whereas a two-car garage and driveway combination with an 18-foot-wide driveway is proposed to count as 2.5 off-street parking spaces. The Board grants the *de minimis* exception given the minimal deviation.

g. *De minimis* exception. From N.J.A.C. 5:21-4.14(b), which requires 689 parking spaces to be provided (excluding banked spaces), whereas 687 parking spaces are proposed. The Board grants the *de minimis* exception given the minimal deviation.

h. *De minimis* exception. From N.J.A.C. 5:21-4.14(b), which requires 97 guest parking spaces for 194 townhouses, whereas 74 guest spaces are proposed. The Board grants the *de minimis* exception given the minimal deviation.

i. Submission waivers. The four submission requirements for which waivers are sought, as described below, pertain when preliminary and final approvals are sought separately, whereas preliminary and final approval are sought concurrently for the subdivision and residential site plan elements of the present application. Given this, the Board finds the waiver requests to be reasonable and within the general purposes and intent of the ordinance. Literal enforcement of these requirements would exact undue hardship upon the applicant by requiring information that does not pertain to this application. Accordingly, these waivers are granted.

<u>Waiver granted:</u> From Section 200-14C(1)(a), which requires submission of the approved preliminary site plan, whereas no separate preliminary site plan is submitted.	Not applicable when preliminary and final approvals are sought together.
<u>Waiver granted:</u> From Section 200-54C(13), which requires the submission of as-built grading whereas none has been provided, the grading not yet having been done.	Not applicable when preliminary and final approvals are sought together.
<u>Waiver granted:</u> From 200-54C(14), which requires submission of the approved preliminary site plan, whereas no separate preliminary site plan is submitted.	Not applicable when preliminary and final approvals are sought together.
<u>Waiver granted:</u> From 200-54C(18), which requires submission of an as-built lot grading plan, whereas no such plan is being submitted, no grading having been done.	Not applicable when preliminary and final approvals are sought together.

CONDITIONS REQUIRED

36. The Board finds that, in order to address the concerns expressed during the course of the hearing and to limit the relief to that reasonably necessary to satisfy the applicant's legitimate requirements, the relief granted is subject to the following conditions:

Site plan and subdivision

a. Street names, addresses and unit numbers, and means for identifying buildings for emergency purposes, shall be worked out with the Director of Fire and Emergency Services and the Postmaster, with approval by the Township Engineer.

b. A detailed phasing plan shall be submitted showing how the interim conditions will be functionally complete and safe for vehicles and pedestrians should

construction cease or be suspended for an extended period. Fully installed and stabilized storm water control improvements, except for final landscaping, shall also be reflected in the schedule and construction sequence.

c. A well shall be installed if, during the three-year construction phase, need for one is identified to stabilize the pond.

d. The applicant shall have flexibility to consider alternative recreation facilities in the future based upon demand and residents' interests.

Landscaping & Environmental

e. Planting specifications shall be added to the proposed planting schedule to more precisely describe the type and size of plantings, including caliper and height of trees and form of all plants. They shall be subject to the review and approval of the Board Landscape Architect.

f. Comprehensive construction details for all recreation improvements, and the central recreation area in particular, shall be subject to Township staff review and approval prior to issuance of a construction permit. Details for the refuse enclosure gates shall be finalized, and the type of bicycle rack shall be modified to an inverted "U"-style rack.

g. Two shade trees shall be planted by the Group Home in addition to the flowering and evergreen trees proposed. They shall be subject to the review and approval of the Board Landscape Architect.

Traffic, circulation, and parking

h. Title 39 shall be enacted for this development.

i. The fire truck vehicle paths within the cul-de-sacs shall be clarified on the templates.

j. Raised pedestrian crosswalks are proposed to be provided at certain crossings of Roads A and B, identified in Condition 1. Where provided, "Pedestrian" signs shall be provided consisting of W11-2 signs and W16-7P(L or R) plaques.

k. Pedestrian connectivity between the proposed Group Home and the Site's main residential area shall be addressed by the applicant and be subject to the review and approval of the Township traffic consultant and Board Landscape Architect.

l. The speed tables proposed at or near the intersections of Roads A and B with Road C and Road E shall, to the extent possible, be integrated into the crosswalks and bike lanes along Road A and Road B at these four intersections. This shall be subject to the review and approval of the Township Engineer.

m. Where a single handicap-accessible space is shown, if it is to be van-accessible as well, the parking space area shall be to the left of the painted accessible area.

n. A turn-around facility shall be provided at the end of Road A and Road E if they are to be constructed concurrently as shown for Phase 1 or the applicant shall restrict access to the dead-end portions of Road A and Road E.

o. The need for a turn-around feature shall be included at the end of the dead-end aisle in front of the proposed Group Home, to be determined at final approval.

p. Sight triangles shall be shown from the Group Home's driveway in both directions along Road B.

q. At final approval, the Group Home building elevations shall be clarified in light of the locations of the building's access points and sidewalks.

r. At final approval, an R1-1 Stop sign and a 12" wide solid white stop line shall be shown along the Group Home's driveway at its intersection with Road B.

s. At final approval, dimensions shall be added for the parking spaces and aisle adjacent to the proposed Group Home.

t. Detail of the four-foot-wide bicycle lane shall be added to the Site circulation design.

u. No-Parking prohibitions shall be imposed along both sides of Roads A and B.

v. The applicant shall provide copies of cross-access and maintenance easements with the controlling entity of Block 3, Lot 3 in East Windsor for access to the Old Trenton Road and Windsor Drive intersection if the East Windsor parcel is constructed.

w. The applicant shall work with the Township Engineer to address concerns raised with respect to the layout of the speed tables. The results shall be subject to the review and approval of the Township Engineer.

x. One or two charging stations shall be installed by the club house for guests and affordable unit residents.

y. A car charging receptacle in the garage shall be offered as an option for the units with garages.

z. The parking spaces for the affordable units shall be clearly identified on the plans, including two adjacent spaces reserved for each three-bedroom affordable unit and one space reserved for each of the other affordable units.

aa. The plans shall indicate where the parking signs for the affordable units are located and what they will look like. The signs shall not be at ground level.

bb. The Group Home shall only be permitted access along Road B, not any direct access along CR 571.

cc. The private roads shall be maintained by the Home Owners' Association.

dd. Deed restrictions subject to the review and approval of the Board Attorney shall be recorded requiring residents to park their vehicles in their assigned garage. If residents have one car or no cars, the unused part of the garage may be used for storage.

ee. The applicant shall, in consultation with Township staff, build, or provide a separate performance bond for a sidewalk toward Princeton-Hightstown Road, just short of

the property line, which shall be completed when other developments build a sidewalk along Princeton-Hightstown Road proximate to the on-site sidewalk.

ff. A sidewalk connecting the group home to Princeton-Hightstown Road shall be provided.

gg. Twenty-three parking spaces shall be banked and shall be installed at the applicant's discretion or upon the instruction of Township staff.

hh. Detailed grading shall be provided demonstrating an accessible route from the accessible parking space to an accessible entrance.

ii. The running slope on the sidewalk on the side of the embankment shall be minimized to the extent possible.

Storm water management

jj. Required revisions to the Stormwater BMP Operation and Maintenance Manual identified by the Township Engineer shall be made and provided to the Township Engineer.

Utilities

kk. The applicant shall work with the Township Engineer, whose approval thereof shall be required, to resolve the wastewater design, service, and funding and payment reimbursement issues, including technical comments by ACT Engineers in its report of September 18, 2020. If these issues cannot be resolved, the applicant shall return to the Board to resolve the issues.

ll. Treatment Works approval by NJDEP and sanitary sewer allocation from the Township Council shall be obtained.

Emergency services

mm. The applicant shall work with the Director of Emergency Services to determine if a knox box is needed.

nn. This approval is subject to the Township Engineer's confirmation that all roadway radii comply with the Township Emergency Vehicle Standard for emergency vehicle access.

oo. No-Parking Fire Lanes shall be established along all curb areas to restrict curbside parking for the entire Site.

pp. The Fire Department connection that supports the fire sprinkler system shall be at the front of the building.

qq. The applicant shall limit the number of trees in close proximity to the buildings, subject to the approval of the Director of Emergency Services and the Board Landscape Architect.

Affordable Housing

rr. The applicant shall be permitted flexibility as to whether affordable units shall be rental or for sale.

ss. The affordable housing marketing requirements shall include the future Group Home. However, construction of the multi-family component that has preliminary and final approval is not contingent upon final site plan approval having been granted for the Group Home.

tt. All three-bedroom affordable units shall have two designated parking spaces adjacent to each other.

uu. All affordable units shall meet barrier free requirements.

vv. Bicycle storage shall be provided for the affordable units within the closet on the terrace.

ww. All recreational facilities and other amenities shall be available to affordable housing unit residents, with the exception of the Group Home, on the same basis as to the market-rate unit residents.

xx. Seventy-two parking spaces shall be assigned to the affordable housing units, with 24 for the three-bedroom units and 48 for the one- and two-bedroom units, and shall be appropriately signed.

yy. The applicant shall build the Group Home if construction of it is not proceeding in a timely manner.

zz. A dishwasher shall be required in the Group Home.

aaa. The sidewalk between the Group Home and adjacent parking stalls shall be 6.5 feet minimum.

bbb. Lighting calculations for the Group Home lot shall be provided at final approval showing an average light intensity in the parking area of 0.6 footcandles.

ccc. The proposed use of the basement of the Group Home and a floor plan of the same shall be provided at final approval.

Other

ddd. The applicant shall pay its pro-rata share of off-tract traffic assessment.

eee. All plans and renderings shall conform to Exhibit A-1.

fff. If screening is insufficient to block headlight use from cars in spaces adjacent to the mosque, then the applicant shall install a fence to provide such screening.

ggg. The front wall of the loft units shall not have closets. The homeowners' documents and a deed restriction acceptable to the Board Attorney shall so provide.

hhh. Each affordable module shall have a coral for garbage and recycling. Four sets of affordable housing buildings, Buildings 4 and 5; 30 and 31; 38 and 39; 40 and 41 shall have one coral serving both buildings.

iii. The applicant shall meet Energy Star requirements, or equivalent.

jjj. A construction cost estimate prepared by the applicant's engineer shall be submitted for review and approval by the Township Engineer to determine the amounts of guarantees and fees required to be posted with the Township. Performance guarantee and construction inspection escrow fees shall be posted to the extent required by law.

kkk. Any required revisions to the metes and bounds descriptions or identified technical issues with the Final Plat documentation shall be provided directly to the applicant's surveyor.

lll. The applicant shall provide to the Engineering Department, via both hard copy and electronic format, approved site plans being submitted for signature, and as-built surveys upon project completion. Additionally, PDF copies of the Stormwater Management report and Stormwater Operation and Maintenance Manual, and all related mapping, shall be provided.

mmm. The applicant shall consider green development design and construction options based on the Green Development Checklist the applicant provided.

nnn. The following approvals and permits shall be obtained:

- Mercer County Planning Board
- Mercer County Soil Conservation District and NJDEP Construction Discharge Permit
- Delaware and Raritan Canal Commission
- NJDEP – LOI-FWW General Permits 6 and 11, Transition Area Waiver-Buffer Averaging
- NJDEP - TWA Permit

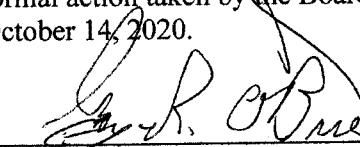
CONCLUSION

Based on the foregoing, the Board at its October 14, 2020 meeting voted to approve the plans with revisions made therein and as supplemented and modified by the exhibits and to grant the relief identified above subject to the conditions and to be revised in accordance with the conditions set forth herein.

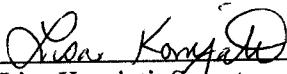
This resolution of memorialization was adopted on January 13, 2021 by a vote of who voted to grant the relief sought by the applicant.

The date of decision shall be October 14, 2020 except that the date of the adoption of this memorializing resolution is the date of decision for purposes of (1) mailing a copy of the decision to the applicant within 10 days of the date of the decision; (2) filing a copy of the decision with the administrative officer; and (3) publication of a notice of this decision. The date of the publication of the notice of decision shall be the date of the commencement of the vesting protection period.

We do hereby certify that the foregoing resolution was adopted by the Planning Board at its regular meeting held on January 13, 2021. This resolution memorializes formal action taken by the Board at its regular meeting held October 14, 2020.



Gene R. O'Brien, Chair



Lisa Komjati, Secretary

Gene O'Brien, Chair – Absent
Michael Karp, Vice Chair – Absent
Simon Pankove, Acting Chair – Yea
Sue Appelget – Absent
Anis Baig – Absent; conflict of interest
Linda Geevers – Yea
Curtis Hoberman – Yea
Michael Huey – Yea
Hemant Marathe – Yea
Allen Schechtel, Alternate I – Absent
Jyotika Bahree, Alternate II – Yea

Appendix D-11: Resolution re: Princeton Ascend



WEST WINDSOR TOWNSHIP

DEPARTMENT OF COMMUNITY DEVELOPMENT DIVISION OF LAND USE

May 1, 2017

Gary Forshner, Esq.
Stark & Stark
PO Box 5315
Princeton, NJ 08543-5315

RE: PB16-05
Princeton Ascend LLC
Preliminary/Final Site Plan
Block 12.04, Lot 25; 43 Princeton-Hightstown Road
Property Zoned: RP-7 District

Dear Mr. Forshner:

The West Windsor Township Planning Board adopted a Resolution of Memorialization regarding the above-referenced application at its meeting on April 26, 2017.

A copy is attached for your records.

Sincerely,

Diane Hurlburt
Diane Hurlburt
Planning Board Secretary

SJS/dh
Attachment
c: PB16-05
Samuel J. Surtees, Manager, Division of Land Use
Gerald Muller, Planning Board Attorney
Marvin Gardner, Planning Board Chair
Joe Valeri, Construction Official *via email*
Steve Benner, Tax Assessor *via email*
Joe Burgis, Planning Consultant *via email*
Francis Guzik, Township Engineer *via email*
Dan Dobromilsky, Landscape Architect *via email*
Jim Kochenour, Traffic Consultant *via email*
Chris Jepson, Environmental Consultant *via email*
Jim Yates, Fire Marshall *via email*

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WEST WINDSOR TOWNSHIP PLANNING BOARD

In the Matter of the Application of Princeton) FINDINGS OF FACT
Ascend, LLC for Preliminary and Final Site) AND
Plan Approval with Variance and Waivers) CONCLUSIONS OF
) File No. PB16-05
) Block 12.04, Lot 25
) Approval Granted:
) January 18, 2017

Be it resolved by the Planning Board of the Township of West Windsor that the action of this Board on January 18, 2017 in this matter is hereby memorialized by the adoption of this written decision setting forth the Board's findings and conclusions.

RELIEF SOUGHT AND JURISDICTION

1. The applicant filed an application with the Township for site plan approval and other relief in order to construct a mixed use development including retail, apartments, and live/work units.

2. The subject of this application is within the jurisdiction of this Board. The Board acted within the time required by law.

3. The street address of the property is 43 Princeton-Hightstown Road. .

4. The property is located in an area designated on the West Windsor Township Zoning Map as the RP-7 zoning district.

THE APPLICANT

5. The applicant is the owner of the property.

NOTICE

6. The applicant obtained a list of all property owners within 200 feet of the property that is the subject of this application from the West Windsor Township tax office.

7. The applicant filed an affidavit stating that notice of the hearing was given at least ten days in advance of the hearing date to the surrounding property owners and to the public entities required to be noticed. The applicant has also filed a proof of publication confirming that newspaper publication for the hearing was made in accordance with legal requirements. Proper notice was given.

8. The notice and publication stated that the hearing would be held at the meeting of the Board scheduled for November 2, 2016.

THE HEARING

9. The public hearing on the application was heard on the date for which it was noticed and continued on January 18, 2017, for which notice was also provided. At the hearing, the applicant and all other interested parties were given the opportunity to present evidence and to be heard.

PLANS PRESENTED

10. At the hearing, the Board reviewed the following plans:

- Plans entitled "Preliminary/Final Major Site Plan For Princeton Ascend, LLC, Lot 25, Block 12.04, Township of West Windsor, Mercer County, New Jersey," 15 sheets total, prepared by Maser Consulting, P.A. (Michael F. Gallagher, P.E.), dated May 23, 2016, revised through December 16, 2016.
- Architectural Plans consisting of Floor Plans and Elevations, 10 sheets total, prepared by Woolley Morris Architects (Ross N. Woolley, R.A.), dated December 6, 2016.

- Plan entitled "Utility Survey for Princeton Ascend Properties, LLC Block 12.04, Lot 25, Township of West Windsor, Mercer County, New Jersey," prepared by Maser Consulting, P.A. (Eric V. Wilde, P.L.S.) consisting of one sheet, dated August 28, 2015.

TOWNSHIP REPORTS

11. At the hearing, the Board considered the following reports presented by Township officials and bodies and consultants to the Board:

- Memoranda from Francis A. Guzik, P.E. to the Board dated October 26, 2016 and January 11, 2017
- Memoranda from Joseph H. Burgis, P.P. and John Szabo, P.P. to the Board dated October 25, 2016 and January 9, 2017
- Memoranda from Dan Dobromilsky, L.L.A. to the Board dated October 26, 2016 and January 10, 2017
- Memoranda from James L. Kochenour, P.E. to the Board dated October 26, 2016, January 11, 2017, and January 12, 2017
- Memoranda from Christopher B. Jepson, P.E. to the Board dated October 26, 2016 and January 11, 2017
- Memoranda from James V.C. Yates dated October 24, 2016 and January 9, 2017
- Memorandum from Jean Jacobsohn, Affordable Housing Committee Chair, to Sam Surtees dated September 12, 2016
- Memorandum from SPRAB to the Board, undated
- E-mail from Jen Pin Wang to Sam Surtees dated January 11, 2017

EXHIBITS AND APPLICANT'S REPORTS

12. At the hearing, the Board considered the following reports prepared by the applicant's consultants and advisors and the following exhibits that were introduced as evidence during the course of the hearing:

- Exhibit A-1 – Princeton Ascend Landscape Exhibit (colorized version of landscape plan superimposed over aerial photograph)
- Exhibit A-2 – First floor plan of L-shape building
- Exhibit A-3 – Second floor plan of L-shaped building
- Exhibit A-4 – Ground floor plan of rear portion of L-shaped building
- Exhibit A-5 – Floor plan of individual live/work unit, showing three levels with two bedrooms and two baths on third floor
- Exhibit A-6 – Live/work unit second floor plan and two and half story plan
- Exhibit A-7 – Floor plan for basement of L-shaped building
- Exhibit A-8 – Elevations for L-shape building – west elevation, south elevations, and part of east elevations
- Exhibit A-9 – Building sections
- Exhibit A-10 – Additional elevations of L-shape building, including north elevation
- Exhibit A-11 – Front, rear, and side elevations of live/work units
- Exhibit A-12 – Materials board
- Exhibit A-13 – Undated letter from Princeton 55 Associates LLC to Michael F. Gallagher, P.E. re easement improvements

- October 12, 2016 letter from Matthew F. Gallagher, P.E. to Sam Surtees responding to earlier Township professional reports
- December 20, 2016 letter from Matthew F. Gallagher, P.E. to Sam Surtees submitting revised plans and summarizing changes
- Report entitled "Preliminary Report of Subsurface Exploration and Foundation Evaluation — Mixed Use Development for Princeton Ascend, LLC — Block 1204 (sic), Lot 25, 43 Princeton-Hightstown Road, West Windsor, Mercer County, New Jersey", prepared by Maser Consulting, P.A. (Michael Carnivale, III, P.E.), dated September 29, 2015.
- Report entitled "Traffic Impact Study — Proposed Mixed-Use Development — Block 12.04, Lot 25, Township of West Windsor, Mercer County, New Jersey" prepared by Maser Consulting, P.A. (S. Maurice Rached, P.E., P.T.O.E. and Jeffrey M. Fiore, P.E.), dated November 13, 2015.
- Report entitled "Environmental Impact Statement — Princeton Ascend Properties, LLC — Block 12.04, Lot 25, West Windsor Township, Mercer County, New Jersey" prepared by Maser Consulting, P.A. (Michael F. Gallagher, P.E.), dated July 8, 2016.
- Report entitled "Engineering Report for Stormwater Management — Mixed Use Development for Princeton Ascend, LLC, Block 12.04, Lot 25, Township of West Windsor, Mercer County, New Jersey" prepared by Maser Consulting, P.A. (Michael F. Gallagher, P.E.), dated October 15, 2015, revised to December 20, 2016.
- Document entitled "Operations and Maintenance Manual — Mixed Use Development for Princeton Ascend, LLC - Block 12.04, Lot 25, Township of West Windsor, Mercer County, New Jersey" prepared by Maser Consulting, P.A. (Michael F. Gallagher, P.E.), dated September 2, 2016.
- Copy of deed dated March 14, 1977 between Bohren's Moving and Storage and VP Realty (Deed Book 2038, Page 134, *et seq.*) that describes the metes and bounds as well as the rights and restrictions of the access easement situated along the easterly frontage of the tract, south of Carlton Place.

TESTIMONY AND PUBLIC INPUT

13. The testimony presented by and on behalf of the applicant and advice by Board consultants were given by the following persons:

Gary S. Forshner, Esq. represented the applicant. Michael F. Gallagher, P.E., its civil engineer; Ross Wooley, its architect; and Nicholas Aiello, P.E., its traffic engineer, testified on the applicant's behalf.

The following Township staff and professionals gave advice to the Board at the hearing: Francis A. Guzik, P.E.; Joseph H. Burgis, P.P.; Dan Dobromilsky, L.L.A.; James L. Kochenour, P.E.; Christopher B. Jepson, P.E. and Gerald J. Muller.

14. The statements of the members of the public made during the course of the hearing may be summarized as follows:

Neighbors living on Berkshire Drive behind the proposed development expressed concern about traffic on Carlton Place; the heights of the back buildings; intensity of use; the live/work units being so close to Carlton Place, with little vegetation between the units and Carlton Place; lighting on Carlton Place; noise from the loading area; and the visual relationship to the proposed development to other buildings along Princeton-Hightstown Road.

FINDINGS AND CONCLUSIONS RE: PRELIMINARY AND FINAL SITE PLAN APPROVAL

15. Nature of application. The property in question is a 1.69 acre lot with an existing commercial building that is proposed to be demolished. On the first day of the hearing, the Board considered the applicant's proposed development, consisting of 12,803 square feet of commercial space, 348 square feet of mechanical space, and 1,249 square feet of residential entryways on the ground floor of a two story L-shaped building with second floor apartments, including apartments over a breezeway separating the two first floor commercial components. Seventeen apartments, including five affordable units, were proposed. In addition seven two and a half story live/work units with garages with access from Carlton Place were proposed at the rear of the property. Ancillary site improvements, including access, parking, storm water management, and landscaping, were also proposed. Two variances and a number of waivers were requested.

16. After extended discussion on November 2, 2016, the applicant revised its plan. The following changes were made:

- One live/work unit was removed from the plans.

- The commercial square footage of the mixed use building was reduced from 12,803 SF to 12,248 SF.
- The parking count for the site was reduced from 63 surface spaces, 7 driveways, and 7 garages to 60 surface spaces, 6 driveways, and 6 garages (72 total provided, 66 required).
- The driveway to Carlton Place was shifted to the south to comply with the 10-foot separation required by Ordinance, eliminating the need for a design waiver.
- The driveway to Carlton Place was widened to 30 feet, eliminating the need for a design waiver.
- The parking areas and building locations were modified to provide the minimum 12 foot separation between buildings and parking areas required by Ordinance, eliminating the need for a variance.
- The site plan was revised to provide a second loading area, eliminating the need for a variance.
- The proposed bike rack will be covered, eliminating the need for a variance.
- An internal driveway connection to Lot 18 to the south was proposed, eliminating the need for a design waiver.
- The location and grading of the Princeton-Hightstown Road driveway was revised to eliminate sight line issues raised by the Board consultants.
- The monument sign will comply with ordinance requirements.
- The ground-mounted AC units for the live-work units were relocated away from the Carlton Place frontage.
- Impervious surfaces were further reduced by 3%, though the storm water management system remains as previously proposed, resulting in greater runoff reductions.
- Grading, landscaping, lighting, and other plan elements were adjusted in accordance with the other plan changes.

17. The plan modifications reduced substantially the number of site plan issues and the variances and waivers necessary. The primary issue addressed on January 18, 2017 related to access between the property in question and the lot immediately to the south, Lot 18. That was resolved by Condition 21i. The conditions also address the other site plan questions raised.

18. Conclusion re site plan approval. With the waivers granted and conditions imposed, the applicant has satisfied all Township site plan standards. Preliminary and final site plan approval is, accordingly, granted.

FINDINGS AND CONCLUSIONS RE: VARIANCE

19. The application as amended necessitates one variance. The variance request and the Board's action on it are as follows:

a. Variance: From Section 200-266B(8)(b), which requires cross-easements with adjacent commercial lots, while none is proposed with the adjacent lot to the north, Lot 17.

Variance granted: Cross access between Lot 17 and the subject property is impracticable given the change in grade. Given this topographical condition, not granting the variance would result in an undue hardship on the applicant, since cross access cannot be provided and the project would be unbuildable. The positive (c)1 criterion has therefore been satisfied.

The negative criteria have been satisfied as well. There will not be substantial detriment to the public good in that both lots can still be accessed, the subject lot having access points on both Princeton-Hightstown Road and Carlton Place. Nor is there a substantial impairment of the intent and purpose of the zone plan and zoning ordinance. The proposed development represents, as to the property in question, the realization of the vision in the Redevelopment Plan and RP-District regulations for a mixed use development with retail and residential, including affordable housing, that will, along with other developments on Princeton-Hightstown Road that come in over time, create the sense of a village Main Street that the Plan envisions. The lack of cross access with the lot to the north is only a minor diversion from the Plan's vision being realized on this lot.

The variance, accordingly, is granted.

FINDINGS AND CONCLUSIONS RE: WAIVERS

20. The application as amended necessitates two waivers. The waivers and the Board's action on them are as follows:

a. Waiver: From Section 200-31K(3), which requires a maximum light intensity level of 1.0 foot candles at property lines, while a maximum of 4.3 foot candles is proposed along Princeton-Hightstown Road.

Waiver granted with condition: The greater foot candle level is necessary to maintain safe illumination for pedestrians using the sidewalk along the frontage. Given that, the waiver request is reasonable. It comes within the intent and purpose of the ordinance lighting provision, which are to provide sufficient lighting, but at an illumination level no greater than necessary. Literal enforcement of the ordinance provision would be impracticable because the applicant would be unable to provide sufficient illumination for pedestrians walking past or into its site. The waiver request, accordingly, is granted. This waiver, however is conditioned upon the applicant providing information on lighting on the Rite Aid site and reducing the lighting intensity as appropriate in light of that information. See Condition 21x.

b. Waiver: From Section 200-31K(1), which requires that the lighting design of parking lots average 0.5 foot candles and residential areas average 0.6 foot candles, while the proposed design for the parking area, which is located within a mixed-use residential area, averages 2.8 foot candles.

Waiver granted: The lighting intensity is necessitated by the mixed-use nature of the project, since retail uses will be accessed after dark. Because two fixtures will be turned off after hours and the live/work units will screen the bulk of the parking lot from the residences to the east, the waiver request is reasonable. It comes within the intent and purpose of the lighting provisions of the ordinance, which are to provide an appropriate level of lighting, but no more than is necessary. In light of this, literal enforcement of the ordinance provision would be impracticable. The waiver request is therefore granted.

CONDITIONS REQUIRED

21. The Board finds that, in order to address the concerns expressed during the course of the hearing and to limit the relief to that reasonably necessary to satisfy the applicant's legitimate requirements, the relief granted is subject to the following conditions:

Site plan

- a. Exhibit A-13, which relates to improvements in the Carlton Place easement, shall be put in agreement form indicating that the terms are accepted by the applicant. The agreement shall be subject to the review and approval of the Board Attorney.
- b. If the development is condominiumized, the Master Deed and any other pertinent condominium documents shall identify the common elements and how they will be maintained. The documents shall be subject to the review and approval of the Township Engineer and Board Attorney.

Affordable housing

- c. Five of the seventeen apartments above the retail shall be affordable units complying with the Uniform Housing Affordability Controls, *N.J.A.C. 5:80-26.1, et. seq.*, the New Jersey Council on Affordable Housing Rules as applicable and such requirements as may be established by a court of competent jurisdiction. The units shall be comprised as follows:
 - 1 one bedroom low
 - 1 two bedroom very-low at 30%
 - 1 two bedroom low
 - 1 two bedroom moderate
 - 1 three bedroom moderate
- d. The applicant shall pay the non-residential development fee in accordance with the Statewide Non-residential Fee Act for the commercial space, including the commercial space in the live/work units.

Landscaping and site amenities

- e. During the construction permitting process, the final details for all street furnishings and finishes shall be subject to the review and approval of the Township Landscape Architect to ensure consistency with Township standards.
- f. The final landscape plan shall be subject to the review and approval of the Township Landscape Architect.

Signage

- g. The applicant, having withdrawn its variance requests with respect to proposed monument and ground mounted project/tenant identification signs, shall submit a complying signage package subject to the review and approval of the Township Landscape Architect and the Board Planner. The signage package shall include signs indicating the location of the bicycle parking.

Access and circulation

- h. All widening work and details for the proposed frontage improvements along Princeton-Hightstown Road shall be subject to the review and approval of Mercer County.
- i. The applicant is proposing a 24-foot wide driveway connection with Lot 18 to the south in accordance with the requirements of Section 200-266B8(b). This will require providing a cross-access easement agreement with the owner of Lot 18. The applicant shall execute a cross-access easement with the owner of Lot 18. If the owner does not agree to one, the applicant shall provide for an access easement on its property benefitting Lot 18. If the owner of Lot 18 is required by subsequent action of this Board or of the Zoning Board of Adjustment to execute a cross-access easement with the subject property, the unilateral access easement provided for herein shall be terminated, and the terms of such easement shall provide for same. Until a cross-access easement is executed, the access driveway construction to Lot 18 shall end just short of the common property line, and the existing chain link

fence along the property line shall be left in place as a temporary barrier. Once a cross access easement is executed, the access shall be open, and the fence in the area of the access shall be removed. A note to this effect shall be added to the Plan. All easements shall be subject to the review and approval of the Board Attorney.

- j. The applicant's submission letter indicates that the proposed bicycle rack is now provided with cover pursuant to Ordinance Section 200-258.A.5. However, the detail for the bike rack does not indicate an integrated cover, nor does its proposed location appear to be under any sort of architectural cover according to the architectural sections and elevations. The applicant shall revise the plans to show that it complies with these requirements. The revisions shall be subject to the review and approval of the Township Engineer.
- k. The bike rack shall be sufficient to accommodate seven bicycles.
- l. The ADA-accessible route along Princeton-Hightstown Road has been provided; however, the plans require additional spot grade data on the privately-owned portion of the site. Additional spot grades shall be provided along the rear of the live/work units as well as at the crosswalk and sidewalk leading to the retail uses and the walkways and ramps along the front of the townhomes. Enlargements at a scale to provide sufficient detail shall be added, as necessary. Each ramp shall also be identified on the plan by type.
- m. A truck circulation plan shall be provided for each of the three vehicle types. Three vehicle classes are shown on Sheet 14 of 15, but only one template has been provided.
- n. The fire truck template that was provided shows encroachment of three spaces within the northerly parking row of 14. This shall be corrected to the satisfaction of the Board Traffic Engineer and Township Engineer.

- o. The Dimension Plan (Sheet 3 of 15) contains a note that the road improvements to Carlton Place are to meet existing pavement at their southern end. A detail of this tie-in has been provided that includes a W5-1 (Road Narrows) sign, 30 inches x 30 inches in size, and a W13-1 (Advisory Speed) plaque, 18 inches x 18 inches in size, accompanied by appropriate pavement markings to help delineate this area and guide traffic through it. Such detail information shall be revised as follows:
 - (1) The Advisory Speed Plaque shall be designated as W13-1P, showing a speed of 15 mph, and the diagonal cross-hatching along the east side of Carlton Place is to be white in color instead of yellow.
 - (2) The above-referenced sign/plaque shall be shown on Sheet 12 of 15 along with a detail for the cross-hatched pavement markings.
 - (3) The proposed cross-hatching within the loading area shall be white.
- p. The Dimension Plan and Typical Parking Stall Detail on Construction Details (Sheet 12 of 15) shall be modified to show the on-center dimension as 18 inches, not between inside lines. The Accessible Park Stalls detail shall also show this revision.
- q. With respect to the Construction Detail Sheets, Sheets 12 of 15 and 13 of 15:
 - (1) The stem of the arrow of the Penalty Plate shall be removed from the call-out.
 - (2) The on-center dimension on the Accessible Parking Stalls detail shall be shown as 18 inches so that the outside-line-to-outside-line dimension becomes 22 inches.
- r. The proposed crosswalk across the Princeton-Hightstown Road driveway shall be shown with a six foot width.

- s. The handicap parking sign in front of the proposed mixed-use building shall be located behind the curb, and the Accessible Parking Stalls detail on Sheet 12 of 15 (Construction Details) is to show the handicap-accessible signs before the curb.

Storm water management

- t. The following shall be incorporated into the site storm water management plan:
 - (1) Sizing calculations for roof leader piping, which shall be subject to the review and approval of the Township Engineer, shall be submitted prior to the issuance of building permits. A note so providing shall be added to the plans.
 - (2) The layout of the underground detention system includes two 8 foot diameter manholes in the southwesterly corner of the system. There appear to be several conflicts with these manholes and the proposed 48 inch piping. The applicant shall relocate the manholes as necessary to eliminate these conflicts.
 - (3) A standard ADS detail for the riser tees has been provided, but contains the caveat that the structural design for the concrete collars is left to others. A note shall be added indicating that this design is to be provided at the time of shop drawing review.
 - (4) Infiltration testing in accordance with Appendix E of the NJBMP Manual shall be undertaken during construction and must demonstrate adequate permeability in the proposed basin bottom. The testing must be witnessed by a representative of the Township Engineer's office.
 - (5) The plans shall demonstrate how the soils in the basin area will be protected from sediment and clogging during construction.
 - (6) The proposed top soil stockpile is located in conflict with the underground detention system when the drainage installation comes after the site clearing and grading operation. It shall be relocated to a location acceptable to the Township Engineer. In addition, the proposed stabilized construction entrance shall be moved to coincide with the relocated Carlton Place access driveway.

(7) The Operation and Maintenance Manual shall be revised as follows, and a deed notice acceptable to the Board Attorney about the document, once approved, shall be filed.

- (a) The Manual must be updated to include the NJDEP Major Development Stormwater Summary.
- (b) The narrative describing the system references a 2.0 inch Reg- U-Flow device and 7 inch and 8 inch orifices when the current design utilizes a 6 inch orifice and a 12 inch wide weir. The indicated elevations are incorrect as well. The information shall be updated to be consistent with the current design.
- (c) The Manual shall be revised to include direction to the ultimate end user that he or she is required to submit all inspection reports for the previous year to the Township Tier A Municipal Storm Water Management Coordinator by April 1st.
- (d) A BMP Location Plan showing and identifying all individual components of the storm water management system shall be added to the Manual.

- u. The applicant shall execute an instrument requiring the installation and maintenance by it and its successors in interest of all storm water management improvements approved by the Board. The instruments shall be in accordance with Section 200-205.1 and shall be subject to the review and approval of the Township Engineer and Board Attorney and be recorded by the Board Attorney.

Lighting

- v. A note shall be added to the plans stating that the information showing conformance of the fixtures to the Section 200-31C requirement that all lights be shielded to restrict the maximum apex angle of the cone of illumination to 150 degrees will be provided at the time of shop drawing review.
- w. A note shall be added to the plans indicating that the design that will be used to control lighting so that all but two of the lighting fixtures will remain on from dusk until dawn for

security purposes, such as switches, timers, or sensors, will be provided at the time shop drawing review.

- x. The applicant shall provide to the Township Engineer lighting information for the adjacent Rite Aid site and shall reduce the number or intensity of proposed lighting fixtures to the extent appropriate in light of that information. The applicant's actions in this regard shall be subject to the review and approval of the Township Engineer.
- y. The applicant shall use a different fixture more in keeping with other fixtures in the Redevelopment Area if identified by the Township Landscape Architect.

General

- z. The applicant shall consider using more of the green building techniques set forth on the Green Development Practices Checklist that the applicant has not agreed to use.
 - aa. The applicant shall execute a Redeveloper's Agreement with the Township.
 - bb. The applicant shall contribute its off-tract road assessment in accordance with Section 200-88. Such assessment shall factor in the commercial area of the live/work units. The applicant's *pro rata* share of County improvements on Princeton-Hightstown Road shall also be included in the assessment. No separate payment to the County shall be made.
 - cc. Metes and bounds descriptions for all proposed easements and dedications, with closure calculations for same, shall be submitted for review and approval of the Township Engineer. The forms of any easements and dedications shall be subject to the review and approval of the Board Attorney.
 - dd. The following changes to the details shall be made:
 - (1) The detail for the Outlet Control Structure shows a Campbell 1203B cover and frame access resting on top of the 5 feet wide by 7 feet long structure. The 1203B is a round

flanged casting with a diameter of 39 inches and will not be appropriate for this structure by itself. The detail shall be revised to indicate a reinforced concrete slab cover designed for highway traffic loading.

(2) Access via manhole cover and stairs shall be provided to the Outlet Control Structure on both sides of the orifice plate, and sufficient room shall be provided on the outlet side to conform to OSHA standards for confined space entry.

- ee. The applicant shall request reservation for wastewater flows in the municipal collection system and authorization for execution of the required NJDEP Treatment Works Approval permit applications for increase inflows to the collection system, which will require approval by the Township Council.
- ff. The applicant shall execute a developer's agreement setting forth its obligation as to off-tract improvements and affordable housing impact fee.
- gg. The applicant shall, to the extent required, secure approval of the NJDEP, Mercer County Planning Board, Delaware & Raritan Canal Commission, Mercer County Soil Conservation Service, and other governmental entities with jurisdiction over the development of the subject property.
- hh. A construction cost estimate shall be submitted by the applicant's engineer for review and approval by the Township Engineer for determination of performance guarantee and inspection fee amounts. The applicant shall post performance guarantees and inspection fees in an amount as determined by the Township Engineer.
- ii. The applicant shall execute a land development performance guarantee agreement in a form satisfactory to the Township Council and shall post such performance and maintenance guarantees as are required.

- jj. All real estate taxes and escrow and inspection fees and required deposits therefor must be paid and maintained as current, and no zoning permits or certificates of occupancy shall be issued if property taxes and escrow and inspection fees and required deposits therefor are not current.
- kk. All marked exhibits shall be transferred to the Division of Land Use Office prior to issuance of a building permit.
- ll. All plan revisions shall be subject to the review and approval of such Township professionals as are designated by the Manager of Land Use unless otherwise designated herein.
- mm. In accordance with Section 200-81.1, approved site plans and subdivision plats being submitted for signature by Planning Board officials and as-builts upon project completion but prior to release of bond shall be submitted electronically and by hard copy. All electronic submissions shall be formatted using AutoCAD for plans and, for text, using either MS Word or Adobe Portable Document Format (PDF).

CONCLUSION

Based on the foregoing, the Board at its January 18, 2017 meeting voted to approve the plans with revisions made therein and as supplemented and modified by the exhibits and to grant the relief identified above subject to the conditions and to be revised in accordance with the conditions set forth herein.

This resolution of memorialization was adopted on April 26, 2017 by a vote of who voted to grant the relief sought by the applicant.

The date of decision shall be January 18, 2017 except that the date of the adoption of this memorializing resolution is the date of decision for purposes of (1) mailing a copy of the decision to the applicant within 10 days of the date of the decision; (2) filing a copy of the decision with the administrative officer; and (3) publication of a notice of this decision. The date

of the publication of the notice of decision shall be the date of the commencement of the vesting protection period.

We do hereby certify that the foregoing resolution was adopted by the Planning Board at its regular meeting held April 26, 2017. This resolution memorializes formal action taken by the Board at its regular meeting held January 18, 2017.



Marvin Gardner, Chair



Diane Hurlburt, Secretary

Marvin Gardner, Chair – Yea
Michael Karp, Vice-Chair – Absent
Sue Appelget – Yea
Ayesha Hamilton – Abstained; was not a member of the Board during the first day of testimony and did not hear it
Shing-Fu Hsueh – Yea
Michael Huey – Yea
Andrew Kulley – Yea
Robert Loverro – Yea
Simon Pankove – Yea
Eric Payne, Alternate 1 – Yea
Anis Baig, Alternate 2 – Absent

Princeton Ascend 4/19/17