

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

**July 13, 2020**

6:30 P.M.

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

12. Consent Agenda

A. Resolutions

- 2020-R139 Refund for Construction Permit for 3 Victoria Place
- 2020-R140 Authorizing the Mayor and Clerk to Execute an Easement Modification Agreement to Permit a Fence Over the Drainage Easement at 5 West Kincaid Drive
- 2020-R146 Appointment of Michael Cerullo to Fill the Unexpired Term of Lyle Girandola as a Member of the West Windsor Parking Authority - Term expires 12/31/2021

B. Minutes

May 26, 2020 - Business Session - as amended

C. Bills & Claims

13. Items Removed from Consent Agenda

14. Recommendations from Administration and Council/Clerk

- 2020-R141 Authorizing the Mayor and Clerk to Execute an Amendment to the Lease with West Windsor Arts Council Extending the Lease Until December 31, 2020
- 2020-R142 Authorizing the Insertion of a Special Item of Revenue Into the 2020 Municipal Budget from the State of New Jersey Clean Communities Program - \$56,936.61
- 2020-R143 Authorizing Utilization of an Online Payment Processor, MuniPay for the Purpose of Electronic Collection and Reporting of Construction Code Fees
- 2020-R144 Establishing the 2020 Sewer Rate

2020-R145 Authorizing the Mayor and Clerk to Execute a Developer's Agreement with Benjamin Zaitz for PB-19 Senior Living @ Bear Creek and Authorizing the Release of Site Improvement Bond JZ2838

15. Introduction of Ordinances

2020-18 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 200 OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) BY MODIFYING PERMITTED USES PERTAINING TO THE ROM-1 DISTRICT

PUBLIC HEARING: August 17, 2020

2020-19 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 200 OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) BY MODIFYING PROVISIONS PERTAINING TO THE ROM-2 DISTRICT

PUBLIC HEARING: August 17, 2020

2020-20 AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) CHAPTER 200 BY AMENDING THE ZONING MAP OF THE TOWNSHIP OF WEST WINDSOR TO ADJUST THE DISTRICT BOUNDARY LINES OF THE ROM-1 AND ROM-2 DISTRICTS

PUBLIC HEARING: August 17, 2020

16. Additional Public Comment (three-minute limit per person)

17. Council Reports/Discussion/New Business

18. Administration Updates

19. Closed Session

20. Adjournment

RESOLUTION

WHEREAS, the Construction Official, Domenick Cardarelli, has certified that the Cranbury Comfort Systems has paid \$270.00 for permit fees; and

WHEREAS, said applicant had permits for 3 Victoria Place which were cancelled by the homeowner; and

WHEREAS, Cranbury Comfort Systems is entitled to a refund of \$255.00 which is the permit fees minus the DCA fees, which are non-refundable.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of West Windsor that the following refund be made to:

Cranbury Comfort Systems \$255.00

Adopted: July 13, 2020

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

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Gay M. Huber  
Township Clerk  
West Windsor Township

RESOLUTION

WHEREAS, Ashok and Anuradha Mehta, owners of property located at 5 West Kincaid Drive, West Windsor Township, New Jersey, also known as Block 20.08 Lot 3, in West Windsor, New Jersey 08550 has made a request for a waiver to permit the construction of a fence over a drainage easement along the side yard of their property; and

WHEREAS, the Township Engineer has reviewed and approved this request subject to compliance with the terms of the Easement Modification Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of West Windsor Township that the waiver requested by Ashok and Anuradha Mehta be hereby granted subject to the acceptance of the recommendations of the Township Engineer and the execution of the annexed Easement Modification Agreement; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute said agreement in a form substantially similar to that attached hereto, which shall be filed in the Mercer County Clerk's Office by the Township Attorney.

Adopted: July 13, 2020

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

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Gay M. Huber  
Township Clerk  
West Windsor Township

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE WEST WINDSOR ARTS COUNCIL AND THE TOWNSHIP OF WEST WINDSOR FOR THE LANDS COMMONLY KNOWN AS 952 ALEXANDER ROAD, BLOCK 75, LOT 6 (A.K.A. ARTS CENTER OR THE OLD PJ VOLUNTEER FIRE STATION), WEST WINDSOR, NEW JERSEY

- WHEREAS, the Township Council of the Township of West Windsor originally authorized the execution of a ten (10) year Lease Agreement (“Lease: or “Agreement”) with the West Windsor Arts Council, a not-for-profit 501(c) (3) organization, on August 2, 2010, via Resolution No. 2010-R166A; and
- WHEREAS, the Property (“Property”) owned by the Township and leased under the Agreement is located at Block 75, Lot 6 on the official Tax Map of West Windsor Township, and is commonly known as 952 Alexander Road (a.k.a. Arts Center or Old PJ Volunteer Fire Station); and
- WHEREAS, subsequent to executing the initial Lease with the Arts Council, the Township Council passed Resolution No. 2003-R117 on May 19, 2003 recommending that the Old PJ Volunteer Fire Station be converted into a Community Arts Center for the purpose of providing fine arts programming in the visual and performing arts; and
- WHEREAS, subsequent to executing the initial Lease with the Arts Council, the Township Council passed Resolution No. 2003-R117 on May 5, 2008 adopting an Amended Memorandum of Understanding (MOU) outlining the components that would be included in such a lease; and
- WHEREAS, it would be in the best interest of both parties to execute a five (5) month extension of the existing Lease Agreement whereas all existing terms and conditions remain unchanged, so that a new long term Lease Agreement can be thoroughly negotiated; and
- WHEREAS, the Township is empowered to lease municipally-owned property, to the Arts Council pursuant to N.J.S.A. 40:60-25.51, so long as the governing body determines same to be “desirable for the public convenience and welfare.”

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor, does hereby approve Amendment No.1 to the existing Lease Agreement with the Arts Council for a five (5) month extension, beginning August 3, 2020 and terminating on December 31, 2020, in exchange for the monthly rental rate of \$845.00.

BE IT FURTHERED RESOLVED, that the Mayor, Township Administrator, and Township Clerk are hereby authorized to execute and record any document(s) necessary in the fulfillment of this Resolution, specifically, and amendment to the initial Lease Agreement.

BE IT FINALLY RESOLVED that, upon final execution, the amendment to the initial Lease Agreement shall be incorporated by reference into this Resolution and shall be attached hereto as Amendment No.1.

Adopted: July 13, 2020

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

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Gay M. Huber  
Township Clerk,  
West Windsor Township

RESOLUTION

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Windsor, in the County of Mercer, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2020 which item is now available as a revenue from monies held pursuant to the provisions of statute.

Clean Communities Program - 104604 \$56,936.61

BE IT FURTHER RESOLVED that a like sum of \$56,936.61 and the same is hereby appropriated under the following captions:

Clean Communities Program – 10665523 \$56,936.61

Adopted: July 13, 2020

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

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Gay M. Huber  
Township Clerk  
West Windsor Township

RESOLUTION

WHEREAS, N.J.A.C. 5:30-9.1 et seq. permits municipalities to accept electronic receipts transactions such as credit cards and debit cards as a means of collecting municipal obligations; and

WHEREAS, the Township of West Windsor desires to provide citizens with an online payment tool to work via Spatial Data Logic (SDL) applications, specifically Construction Code fees; and

WHEREAS, the pricing structure established in the Proposal is a \$1.50 for on-line ACH payments and 2.65% or a minimum of \$3.00 per credit card transaction; and said charges will be posted on the Township website; and

WHEREAS, the Township will not incur any fees associated for offering this payment tool since a convenience fee is assessed to the citizen's account during an on-line transaction.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor, County of Mercer and State of New Jersey hereby authorizes the utilization of MuniPay for the purpose of electronic collection and reporting of Construction Code fees using West Windsor Township's SDL applications which are available on the Township website.

BE IT FURTHER RESOLVED, by the Township Council of the Township of West Windsor in the County of Mercer, State of New Jersey, that John Mauder, Township Chief Financial Officer is hereby authorized to execute an Agreement between the Township of West Windsor and MuniPay.

Adopted: July 13, 2020

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 13<sup>th</sup> day of July, 2020.

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Gay M. Huber  
Township Clerk  
West Windsor Township



RESOLUTION  
WEST WINDSOR TOWNSHIP SEWER RATE 2020

WHEREAS, the West Windsor Township sewer billing staff has reviewed the various elements of which the sewer rate is comprised as listed below:

<u>Sewer System</u>	
S & W (2020 Budget)	\$466,698.00
O & E (2020 Budget)	110,750.00
Utility Expenses	84,566.00
Data Processing Expense	4,680.00
Postage Fees	7,550.00
<u>Collection of Sewer Rent</u>	
S & W (2020 Budget) Tax Collector 25%	21,257.00
O.E. Sewer Billing Charges	7,900.00
Chief Financial Officer/Treasurer	
S & W (2020 Budget) 15%	17,700.00
Fringe Benefits (33% of S & W)	166,866.00
SBRSA O & M	<u>2,711,678.00</u>
	3,599,645.00
Reserve for Uncollected Sewer Rents	<u>52,195.00</u>
Sewer Rents to be Raised	3,651,840.00
2020 Billing Flow Cu. Ft.	
Rate = $\frac{\$3,651,840}{86,056,100} \times 100 = \$4.24/100$ Cu. Ft.	

WHEREAS, the administration of the Township of West Windsor finds that these figures adequately reflect the fair costs to the users of the sewer system;

NOW THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that based upon the above known and projected costs that the sewer rate for 2020 shall be set at \$4.24 per hundred cubic feet of billing flow.

Adopted: July 13, 2020

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

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Gay M. Huber  
Township Clerk  
West Windsor Township

## RESOLUTION

WHEREAS, Benjamin Zaitz, through agent The Blackpoint Group/Anthony Mazzucca (“Developer”), received preliminary and final major site plan approval from the West Windsor Planning Board on February 26, 2020, memorialized by Resolution (“Resolution”) adopted on April 29, 2020, for the construction of a 220-unit congregate housing independent living facility on a tract of land situate in West Windsor Township, Mercer County, New Jersey (the “Development”); and

WHEREAS, a condition of the Resolution is that Developer execute a developer’s agreement (“Developer’s Agreement”) setting forth its obligations as to off-tract improvements and assessments, among other things; and

WHEREAS, such Developer’s Agreement also provides for the release of a bond securing the completion of certain improvements governed by prior approvals with respect to the independent and assisted living facilities on the property, referred to as Site Improvement Bond JZ2838 (the “Bond”), because the completion of such improvements is now governed by a separate developer’s agreement between the Township and Bear Creek Senior Housing Condominium Association, Inc., approved by the Township Council at its meeting on June 8, 2020, and because Developer wishes to transfer the Development to a third party which intends to develop the independent living facility in accordance with the Resolution and the Developer’s Agreement and will be posting new performance security for the improvements in connection therewith; and

WHEREAS, it is in the best interest of the Township to enter into the Developer’s Agreement with Developer to ensure that the obligations set forth therein are memorialized and met and to release Site Improvement Bond JZ2838 pursuant thereto.

NOW, BE IT RESOLVED by the Township Council of the Township of West Windsor that (1) the Developer’s Agreement in the form attached hereto be approved and that the Mayor and the Clerk be authorized and directed to execute the same; and (2) that the release of Site Improvement Bond JZ2838 in connection therewith be approved.

ADOPTED: July 13, 2020

I hereby certify this is a true copy of a Resolution adopted by the West Windsor Township Council at their meeting held on the 13th day of July, 2020.

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Gay M. Huber  
Township Clerk  
West Windsor Township

RESOLUTION

WHEREAS, Lyle Girandola has resigned from his position as a member of the West Windsor Parking Authority; and

WHEREAS, Michael Cerullo has expressed an interest in being appointed to the West Windsor Parking Authority; and

WHEREAS, the Township Council endorses Michael Cerullo to fill the unexpired term of Mr. Girandola which expires on December 31, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of West Windsor that the following appointment be made to the West Windsor Parking Authority:

Michael Cerullo	Member	Term to expire on 12/31/2021
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Adopted: July 13, 2020

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

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Gay M. Huber  
Township Clerk  
West Windsor Township

**ORDINANCE 2020-18**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 200 OF  
THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) BY MODIFYING  
PERMITTED USES PERTAINING TO THE ROM-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. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 4, Zoning, Article XXIX, Regulations for Research/Office/Manufacturing, Research/Office, and Research and Development Districts, Section 200-209, ROM-1 Industrial District (research, office, limited manufacturing) use regulations, Subsection 200-209.A, Permitted Uses, is hereby amended to include the following:

- (10) The conversion of hotels in existence as of April 1, 2020 into assisted living facilities, provided that fifteen percent (15%) of the beds be set-aside for low- and moderate-income households.

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:

Public Hearing:

Adoption:

Mayor Approval:

Effective Date:

Ordinance Amending the Township Code ROM-1 04-09-20

**ORDINANCE 2020-19**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 200 OF  
THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) BY MODIFYING  
PROVISIONS PERTAINING TO THE ROM-2 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 (1999), Land Use, Part 4, Zoning, Article XXIX, Regulations for Research/Office/Manufacturing, Research/Office, and Research and Development Districts, Section 200-211, ROM-2 Industrial District (research, office, limited manufacturing) use regulations, Subsection 200-211.A, Permitted Uses, is hereby amended to include the following:

- (13) Single-family detached dwellings in existence as of the date of adoption of this ordinance. For lots with single-family residential dwellings in existence as of the effective date of this ordinance, dwellings may be expanded or reconstructed subject to the bulk requirements set forth by the R-30 District.

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

Introduction:

Public Hearing:

Adoption:

Mayor Approval:

Effective Date:

Ordinance Amending the Township Code ROM-1 re: Single Family Dwellings 04-24-20

**ORDINANCE 2020-20**

**AN ORDINANCE TO AMEND AND SUPPLEMENT  
THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) CHAPTER 200  
BY AMENDING THE ZONING MAP OF THE TOWNSHIP OF WEST WINDSOR TO  
ADJUST THE DISTRICT BOUNDARY LINES OF THE ROM-1 AND ROM-2  
DISTRICTS**

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

The boundaries of said zoning district is hereby established as shown on the Zoning Map, Township of West Windsor, dated May 23, 2009, and revised through ***DATE OF APPROVAL WILL BE INSERTED HERE***, which, with all explanatory matter thereon, is hereby adopted and made part of this Part 4. 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 2. Chapter 200 of said Code, Land Use, Attachment 9, Zoning Map of West Windsor Township, is hereby amended to change the zoning designation of Block 9 Lots 77 and 78 from the ROM-1 and ROM-2 District to the ROM-1 District.

Section 3. Chapter 200 of said Code, Land Use, Attachment 9, Zoning Map of West Windsor Township, is hereby amended to change the zoning designation of Block 9 Lot 82 from the ROM-1 and ROM-2 District to the ROM-2 District.

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

Introduction:

Public Hearing:

Adoption:

Mayor Approval:

Effective Date:

Ordinance Amending the Township Code ROM-1 and ROM-2 re: Zoning Line 04-24-20