

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

November 30, 2020

7:00 P.M.

1. Call to Order
2. Roll Call
3. Statement of Adequate Notice - November 13, 2020 to The Times and the Princeton Packet.
4. Salute to the Flag
5. Ceremonial Matters and/or Topics for Priority Consideration  
  
Proclamation Proclaiming December 2020 as Hometown Hero Month  
  
19<sup>th</sup> Annual Communities of Light Proclamation for Womanspace  
  
Update on Police K-9 Program
6. Public Comment: (30 minutes comment period; 3-minute limit per person)
7. Administration Comments
8. Council Member Comments
9. Chair/Clerk Comments

10. Public Hearings

2020-23 AN ORDINANCE TO ESTABLISH A SALARY AND WAGE PLAN FOR THE TOWNSHIP OF WEST WINDSOR AND PROVIDE FOR THE ADMINISTRATION THEREOF-Vulnerable Population Outreach Coordinator (VPC) and Temporary Seasonal Public Health Aide

11. Consent Agenda

A. Resolutions

B. Minutes

October 26, 2020 - Business Session - as amended  
October 26, 2020 - Closed Session

C. Bills & Claims

12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk

2020-R233 Resolution in Support of the Decision by the Mercer County Planning Board to Require the Installation of a Traffic Signal at the Intersection of Old Trenton Road and Windsor Center Drive, and the Roadway Connecting Heritage Village at West Windsor to Windsor Center Drive Through Windsor Pointe

2020-R234 Authorizing the Mayor and Clerk to Sign the Agreement to Accept the Donation of One Belgian Malinois Dog From SAVE, A Friend to Homeless Animals for the Police Division K-9 Unit

2020-R235 Authorizing the Business Administrator to Purchase One Olympus DS-9000 Digital Recorder for the Clerk's Office from CDW-G Through the New Jersey State Cooperative Purchasing ESCNJ18/19-03 - \$607.59

2020-R236 Authorizing the Mayor and Clerk to Execute the Reimbursement Agreement with Avalon Watch Communities, Inc., Windsor Woods Luxury Apartments and The Mews @ Princeton Junction for Solid Waste Collection for 2019 - \$252,851.68

- 2020-R237 Authorizing the Mayor and Clerk to Execute the Reimbursement Agreement with Canal Pointe Condominium Association, Elements at West Windsor Homeowners Association, Village Grande Homeowners Association, and Windsor Haven Condominium Association for 2019 for Solid Waste Collection, Recycling, and Snow Removal for 2019 - \$94,011.69
- 2020-R238 Authorizing the Mayor and Clerk to Execute a Contract Extension with Princeton Air Conditioning, Inc. for HVAC Repair and Maintenance for 1/1/2021-12/31/2021 - \$47,304.00
- 2020-R239 Authorizing the Business Administrator to Purchase Communications Wiring Services from Network Cabling Inc. dba Net Q Multimedia Company Through the New Jersey State Cooperative Purchasing Program Contracts T2989-88739 and T1778- \$383,602.15
- 2020-R240 Authorizing the Mayor and Clerk to Execute Amendment #2 to the Lease for West Windsor Arts Council to expire on 12/31/2021
- 2020-R241 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Center State Engineering for Administration and Observation Services for Millstone Road Reconstruction Project - \$4,800.00
- 2020-R242 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Stormwater Compliance Solutions LLC for Professional Consulting Services for Maintaining Compliance with the NJPDES Municipal Stormwater Permit- \$16,150.00
- 2020-R243 Authorizing the Full Release of Cash Performance Guarantees for the Private On-Site Improvements for the Project Known as Princeton Junction Metro Office Park Phase 2 (PB97-18)
- 2020-R244 Authorizing the Refund for Off Tract Road Assessment Fee (\$7,851.32) and Affordable Housing Fee (\$80,394.38) for the Project Known as 19 Roszel Road LLC, Building 2(B) (PB06-01)

2020-R245 Authorizing the Increase of the Existing Professional Services Agreement with KVD Architecture Inc. for the Replacement of the Schenck Barn Roof from \$3,200 to \$5,000 for an increase of \$1,800.00

2020-R246 Authorizing the Mayor and Clerk to Execute a Developer's Agreement Between West Windsor Township and Trustees of Princeton University (PB18-09, Block 3, Lots 1.1.011 and 1.012)

2020-R247 Authorizing the Mayor and Clerk to Execute a Settlement Agreement with Consent Order Between Atlantic Realty and West Windsor Township for Litigation Involving Affordable Housing Associated with the Former Howard Hughes Property and H&B Property

14. Introduction of Ordinances

2020-24 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-3 INDUSTRIAL DISTRICT - (Research, Office, Limited Manufacturing)

PUBLIC HEARING: December 14, 2020

2020-25 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 200 OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) BY CREATING THE PLANNED COMMERCIAL DISTRICT (PCD)

PUBLIC HEARING: December 14, 2020

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

16. Council Reports/Discussion/New Business

17. Administration Updates

18. Closed Session

19. Adjournment

ORDINANCE 2020-23

AN ORDINANCE TO AMEND AND SUPPLEMENT  
THE REVISED GENERAL ORDINANCES  
OF THE TOWNSHIP OF WEST WINDSOR

AN ORDINANCE TO ESTABLISH A SALARY AND WAGE PLAN FOR  
THE TOWNSHIP OF WEST WINDSOR AND  
PROVIDE FOR THE ADMINISTRATION THEREOF

Section 1. BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER, STATE OF NEW JERSEY, that the salary and wage plan for employees and officers of the Township is as follows:

D. OTHER POSITIONS:

Student employees/Interns	\$ 8.85-\$15.00/hour
Temporary Seasonal Public Works Employees	\$12.00-\$18.00/hour
Temporary Seasonal Public Health Investigator	\$10.00-\$30.00/hour
<b><u>Temporary Seasonal Public Health Aide</u></b>	<b><u>\$10.00-\$30.00/hour</u></b>
Public Health Nurse	\$25.00-\$75.00/hour
<b><u>Vulnerable Populations Outreach Coordinator</u></b>	<b><u>\$25.00-\$45.00/hour</u></b>
Crossing Guards	\$20.00-\$21.38/hour
Court Attendant Officer	\$25.12-\$27.39/hour
Assistant Zoning Enforcement Officer	\$25.00- 35.00/hour
Bus Driver – (CDL required)	\$16.97-\$18.14/hour
Audio Visual Specialist	\$50-\$200 per meeting
Emergency Shelter Monitor	\$35.00/hour
Emergency Shelter Coordinator	\$45.00/hour

Section 2. Part-time and per diem employees are paid based on the hourly rate of annual salary.

Section 3. This Ordinance shall be effective after action or inaction by the Mayor as provided by law or an override of mayoral veto by the Council, whichever is applicable. Publication will be according to law.

INTRODUCTION:

PUBLIC HEARING:

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:

## RESOLUTION

- WHEREAS, the West Windsor Planning Board has approved an inclusionary development on Old Trenton Road bordering East Windsor called Heritage Village at West Windsor; and
- WHEREAS, such development includes a drive that ends at the property line separating the Heritage Village at West Windsor from Windsor Pointe, a development in East Windsor for which the developer is Woodmont Properties; and
- WHEREAS, the Mercer County Planning Board as a condition of its approval of Windsor Pointe required a roadway running through the property and to which the drive in Heritage Village at West Windsor would connect and ending at the intersection of Old Trenton Road and Windsor Center Drive. The Mercer County Planning Board has also required as a condition of approval of Windsor Pointe that Woodmont Properties install a traffic signal at the intersection of its roadway with Old Trenton Road and Windsor Center Drive; and
- WHEREAS, Woodmont Properties has appealed to the Board of County Freeholders the requirements by the Mercer County Planning Board of the road extending through its property and the installation of the signal; and
- WHEREAS, the Board of County Freeholders is scheduled to hear the appeal in early December; and
- WHEREAS, in the past year the West Windsor Planning Board has approved three new inclusive housing development applications along Old Trenton Road which will substantially increase vehicular traffic; and
- WHEREAS, for safer vehicular access to Heritage Village at West Windsor and Windsor Pointe and for efficient and safer traffic circulation in the area, it is important that the roadway through Windsor Pointe and the traffic signal installation required by the Mercer County Planning Board be implemented; and
- WHEREAS, the West Windsor Planning Board at its November 18, 2020 meeting voted to support this resolution primarily over safety concerns; and
- NOW, THEREFORE, BE IT RESOLVED, on this 30th day of November, 2020 that the West Windsor Township Mayor and Council support the decision by the Mercer County Planning Board to require the installation of the traffic signal at the intersection of Old Trenton Road and Windsor Center Drive, and the roadway connecting Heritage Village at West Windsor to Windsor Center Drive through Windsor Pointe; and

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2020-R233

BE IT FURTHER RESOLVED that this resolution be forwarded to Mercer County Executive Brian Hughes, the Board of Chosen Freeholders, and the Mercer County Planning Board.

Adopted: November 30, 2020

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 30<sup>th</sup> day of November, 2020.

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Gay M. Huber  
Township Clerk  
West Windsor Township

RESOLUTION PERMITTING THE TOWNSHIP OF WEST WINDSOR  
TO ACCEPT DOG DONATION FROM SAVE, A FRIEND TO HOMELESS  
ANIMALS, AND APPROVAL OF A MEMORANDUM OF UNDERSTANDING  
BETWEEN SAVE, A FRIEND TO HOMELESS ANIMALS,  
AND WEST WINDSOR TOWNSHIP

WHEREAS, SAVE, A Friend to Homeless Animals, has a Belgian Malinois Dog that it wishes to donate at no cost to the Township of West Windsor, and;

WHEREAS, this canine was found abandoned as a stray and SAVE, A Friend to Homeless Animals, sheltered and cared for her during the mandatory seven (7) day hold period and her owner failed to claim her; and

WHEREAS, SAVE, A Friend to Homeless Animals, wishes to transfer ownership of this canine to the Township of West Windsor, Police Division, for law enforcement purposes, and;

WHEREAS, the Township of West Windsor, Police Division accepts ownership responsibility for this canine's homing, care, custody, control, use, licensing, and;

WHEREAS, the Township of West Windsor agrees to save, defend, hold harmless, and indemnify SAVE, A Friend to Homeless Animals, for any and all liability and for any personal injuries, property damage and/or damage to other persons caused by or related to the transfer of ownership of this canine to the Township of West Windsor.

NOW THEREFORE, BE IT RESOLVED, that the Township Council of the Township of West Windsor accepts the donation of the Belgian Malinois Dog and thanks SAVE for donating the canine to the Police Division; and

BE IT FURTHER RESOLVED, that the Township Council of the Township of West Windsor does and hereby authorizes the Mayor and Clerk to execute a Memorandum of Understanding and all documents necessary to effectuate the donation this canine to West Windsor Township, Police Division, from SAVE, A Friend to Homeless Animals.

Adopted: November 30, 2020

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of November, 2020.

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Gay M. Huber  
Township Clerk  
West Windsor Township



RESOLUTION

WHEREAS, the Township of West Windsor, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Township of West Windsor has the need on a timely basis to purchase technological goods or services utilizing State contracts; and

WHEREAS, the Township is in need of digital voice recorders; and

WHEREAS, CDW Government is an authorized vendor under NJ State Approved Co-op #65MCESCCPS, Bid #ESCNJ 18/19-03-Technology Supplies & Services, and

WHEREAS, As of October 29, 2020 the Township’s total aggregate spending with CDW Government under NJ State Approved Co-op #65MCESCCPS, Bid #ESCNJ 18/19-03-Technology Supplies & Services was as follows:

2020-R064	CDW-Government	2/24/20	\$19,866.34	COF 2020-22
2020-R105	CDW-Government	4/20/20	\$12,980.00	COF 2020-39
2020-R131	CDW-Government	6/24/20	\$43,060.00	COF 2020-55
2020-R213	CDW-Government	10/1/20	<u>\$36,450.65</u>	COF 2020-67
			<u>\$112,356.99</u>	

WHEREAS, the total cost of the hardware necessary is \$607.59; and

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

Technical Computer Supplies 105-01-353 \$607.59

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of West Windsor that the Business Administrator Marlana Schmid is hereby authorized to purchase the above from CDW-Government under New Jersey State approved cooperative purchasing agreement ESCNJ 18/19-03.

Adopted: November 30, 2020

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 30<sup>th</sup> day of November, 2020.

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Gay M. Huber  
Township Clerk  
West Windsor Township

RESOLUTION

WHEREAS, NJSA 40:66 - 1 et seq. establishes a policy and schedule of the reimbursement of costs for solid waste collection services incurred by qualified multifamily dwellings as defined by the law; and

WHEREAS, Avalon Watch Communities, Windsor Woods Luxury Apartments and The Mews @ Princeton Junction qualified as such a community; and

WHEREAS, the Township of West Windsor has agreed to reimburse Avalon Watch Communities, Inc., Windsor Woods Luxury Apartments and The Mews @ Princeton Junction solid waste collection costs for the calendar year 2019;

WHEREAS, funds are available as evidenced by the Chief Financial Officer’s certification of funds; Avalon Watch Communities, Inc.

Refuse Collection – Multi Family Reimbursement. 106-58-224A	\$ 78,173.49
Windsor Woods Luxury Apartments	
Refuse Collection – Multi Family Reimbursement. 106-58-224A	\$ 36,632.80
The Mews @ Princeton Junction	
Refuse Collection – Multi Family Reimbursement. 106-58-224A	<u>\$138,045.39</u>
Total	<u>\$252,851.68</u>

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor, County of Mercer, and State of New Jersey that the Mayor and Township Clerk are hereby authorized to execute an agreement with The Mews at Princeton Junction to reimburse them for certain solid waste collection costs pursuant of NJSA 40:66 - 1 et. Seq. in the following amounts for the calendar year 2019.

Avalon Watch Communities, Inc.	\$ 78,173.49
Windsor Woods Luxury Apartments	\$ 36,632.80
The Mews @ Princeton Junction	<u>\$138,045.39</u>
Total	<u>\$252,851.68</u>

A copy of said Agreement is attached herein.

Adopted: November 30, 2020

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at its meeting held on the 30th day of November, 2020.

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Gay H. Huber  
 Township Clerk  
 West Windsor Township

## RESOLUTION

WHEREAS, C.299 of P.L. 1989 (NJSA 40:67-23.2 et seq.) establishes a policy and schedule of the reimbursement of costs for refuse and recycling collection and disposal, snow removal and street lighting costs incurred by qualified private communities as defined by the law; and

WHEREAS, Canal Pointe Condominium Association, Princeton Greens Homeowners Association, Village Grande Homeowners Association, Windsor Haven Homeowners Association and Windsor Ponds Homeowners Association qualifies as such community; and

WHEREAS, the Township of West Windsor has agreed to reimburse the above mentioned Condominium and Homeowners for snow removal costs and refuse and recycling costs for 2019;

WHEREAS, funds are available as evidenced by the Chief Financial Officer's certification of funds;

## Canal Pointe Condominium Association

Refuse Collection – Other Expenses 105-58-224A	\$ 92,396.55
Snow Trust	121407 \$ 451.22

## Elements at West Windsor Homeowners Association

Snow Trust	121407 \$ 261.48
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## Village Grande Homeowners Association

Snow Trust	121407 \$ 773.29
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## Windsor Haven Condominium Association

Snow Trust	121407 \$ 129.15
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## Total

	<u>\$ 94,011.69</u>
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NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor, County of Mercer, and State of New Jersey that the Mayor and Township Clerk are hereby authorized to execute agreement with this Association to reimburse them for certain snow removal and refuse and recycling costs pursuant of NJSA 40:67-23.2 ET. Seq. in the following amounts.

Canal Pointe Condominium Association	
Refuse and Recycling (2019)	\$ 92,396.55
Snow Removal (2019)	\$ 451.22
Elements at West Windsor Homeowners Association	
Snow Removal (2019)	\$ 261.48
Village Grande Homeowners Association	
Snow Removal (2019)	\$ 773.29
Windsor Haven Condominium Association	
Snow Trust	\$ 129.15
Total	<u>\$ 94,011.69</u>

A copy of said Agreements is attached herein.

Adopted: November 30, 2020

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at its meeting held on the 30th day of November, 2020.

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Gay M. Huber  
Township Clerk  
West Windsor Township

## RESOLUTION

- WHEREAS, On October 28, 2019, the Township Council passed Resolution 2019-R231 authorizing a contract with Princeton Air Conditioning, Inc. of Princeton Junction, NJ in the amount of Forty Seven Thousand Three Hundred Four Dollars (\$47,304.00) for maintenance and service of the heating, ventilation and air conditioning (HVAC) systems for various Township facilities for the period January 1, 2020 through December 31, 2020; and
- WHEREAS, the Township has the option of renewing the contract for an additional one (1) year period on the same terms and conditions for these services; and
- WHEREAS, the services performed by Princeton Air Conditioning, Inc. under the current contract have been determined to be acceptable; and
- WHEREAS, the Township wishes to extend the contract for said work to Princeton Air Conditioning, Inc. for an additional one (1) year period with no price increase in accordance with the pricing, terms and conditions set forth in the initial bid proposal; and
- WHEREAS, the Chief Financial Officer has certified that funds for these services are available subject to the adoption of the 2021 Municipal Budget:

Building and Grounds: HVAC Repair and Maintenance 105-53-218 \$47,304.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor as follows:

- (1) The Mayor and Clerk are hereby authorized to execute, on behalf of the Township, a one (1) year contract extension with Princeton Air Conditioning, Inc., for an amount not to exceed Forty Seven Thousand Three Hundred Four Dollars (\$47,304.00) for maintenance and service of the heating, ventilation and air conditioning (HVAC) systems for various Township facilities for a period of January 1, 2021 through December 31, 2021.
- (2) An executed copy of the Contract between the Township and Princeton Air Conditioning Inc. along with a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: November 30, 2020

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of November 2020.

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Gay M. Huber  
Township Clerk,  
West Windsor Township

RESOLUTION

- WHEREAS, the Township of West Windsor has awarded a construction contract for the Municipal Building Alterations Project; and
- WHEREAS, the Administration continues to proceed with security measures for all municipal facilities including new keyless card access entry technology, motion detectors, panic alarms, security cameras and emergency notification equipment; and
- WHEREAS, the renovated areas of the Municipal Building will require networked technology including, but not limited to, Computers, Printers, Voice over IP Phones, Electronic Card Access System Devices and Emergency Notification System Devices; and
- WHEREAS, Network Cabling Inc. dba Net Q Multimedia Company has been awarded the New Jersey State Contract T2989-88739 for Communications Wiring Services along with New Jersey State Contract T1778 for Cable and Associated Products; and
- WHEREAS, the total cost of the equipment and installation services for this project are \$389,350.95 and the Chief Financial Officer has approved funding for the above from the following capital account:

Improvements to Municipal Complex	405-2019-33-001	\$389,350.95
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NOW, THEREFORE, BE IT RESOLVED, that the Township Council authorizes the Business Administrator to purchase the above from Network Cabling Inc. dba Net Q Multimedia Company under New Jersey State Contracts T2989-88739 and T1778.

Adopted: November 30, 2020

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of November 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 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 Township Council of West Windsor adopted Amendment No. 1 on July 13, 2020 via Resolution 2020-R141 which extended the existing Lease Agreement for five (5) months and terminates on December 31, 2020; 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, it would be in the best interest of both parties to execute a one (1) year 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.2 to the existing Lease Agreement with the Arts Council for a one (1) year extension, beginning January 1, 2021 and terminating on December 31, 2021, in exchange for the monthly rental rate of \$845.00.

BE IT FURTHERED RESOLVED, that the Mayor 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.2.

Adopted: November 30, 2020

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of November 2020.

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Gay M. Huber  
Township Clerk  
West Windsor Township

RESOLUTION

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

WHEREAS, Center State Engineering has submitted a proposal on October 29, 2020 indicating they will provide professional construction administration and observation services for the Millstone Road Reconstruction project for Four Thousand Eight Hundred Dollars (\$4,800.00); and

WHEREAS, Center State Engineering has indicated a performance period for the construction administration and observation services concurrent with the construction project; and

WHEREAS, the Township wishes to enter into an agreement with Center State Engineering for the aforesaid services; and

WHEREAS, the total amount of the contract is Four Thousand Eight Hundred Dollars (\$4,800.00); and

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

Roadway Improvements	405-2019-18 011	\$4,800.00
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NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor as follows:

- (1) The Mayor and Clerk are hereby authorized to execute, on behalf of the Township a professional services agreement with Center State Engineering, with a performance period concurrent with the construction project from the date of project initiation for construction administration and observation services, for an amount not to exceed Four Thousand Eight Hundred Dollars (\$4,800.00).
- (2) The Agreement so authorized shall require the Provider to provide professional surveying and engineering design services pursuant to its proposal dated October 29, 2020. The contract may be awarded without competitive bidding as authorized by the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5(1)(a) because the services are professional in nature.
- (3) A notice of this action shall be published in the newspaper used by the Township for legal publications as required by law within ten (10) days of its passage.
- (4) An executed copy of the Contract between the Township and Center State Engineering and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: November 30, 2020

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of November 2020.

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Gay M. Huber  
Township Clerk  
West Windsor Township



## RESOLUTION

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

WHEREAS, Stormwater Compliance Solutions LLC has submitted a proposal dated October 13, 2020 indicating they will provide professional stormwater consulting services to assist the Township in maintaining compliance with the NJPDES municipal stormwater permit for Sixteen Thousand One Hundred Fifty Dollars (\$16,150.00); and

WHEREAS, the Township wishes to enter into an agreement with Stormwater Compliance Solutions LLC for the aforesaid services; and

WHEREAS, the total amount of the contract is Sixteen Thousand One Hundred Fifty Dollars (\$16,150.00); and

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

Traffic Safety Hazard Mitigation	405-2013-09 007	\$16,150.00
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NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor as follows:

- (1) The Mayor and Clerk are hereby authorized to execute, on behalf of the Township a professional services agreement with Stormwater Compliance Solutions LLC for an amount not to exceed Sixteen Thousand One Hundred Fifty Dollars (\$16,150.00).
- (2) The Agreement so authorized shall require the Provider to provide professional consulting services pursuant to its proposal dated October 13, 2020. The contract may be awarded without competitive bidding as authorized by the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5(1)(a) because the services are professional in nature.
- (3) A notice of this action shall be published in the newspaper used by the Township for legal publications as required by law within ten (10) days of its passage.
- (4) An executed copy of the Contract between the Township and Stormwater Compliance Solutions LLC and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: November 30, 2020

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of November 2020.

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Gay M. Huber  
Township Clerk  
West Windsor Township

RESOLUTION

WHEREAS, the Developer, Mack-Cali Realty d.b.a. Vaughn Princeton Associates, LLC has made a request for a release of the performance guarantees posted for private site improvements within the project known as Princeton Junction Metro Office Park Phase II (Block 6, Lot 79.01; PB97-18); and

WHEREAS, the performance guarantees are currently at 100% of their original amount; and

WHEREAS, the Developer has indicated they do not plan on proceeding with construction of the project, as approved, and has acknowledged that new guarantees and Guarantee Agreement will be required with West Windsor Township at such time as any construction associated with the project known as Princeton Junction Metro Office Park Phase II (PB97-18) is undertaken; and

WHEREAS, the Township Engineer has reviewed the request from the Developer and recommends that these actions be approved by the Township Council, as follows:

<u>Performance Guarantee</u>	<u>Original Amount</u>	<u>Date Issued</u>	<u>Current Amount</u>	<u>Recommended Action</u>
Bond 038SB103120224BCM	\$217,219.00	10/28/98	\$217,219.00	RELEASE
Cash	\$24,136.00	11/09/98	\$24,136.00	RELEASE

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor, the following performance guarantees posted by Mack-Cali Realty d.b.a. Vaughn Princeton Associates, LLC for private site improvements in connection with the project known as Princeton Junction Metro Office Park Phase II (PB97-18), be released to Mack-Cali Realty, as follows, along with any interest due:

<u>Performance Guarantee</u>	<u>Original Amount</u>	<u>Date Issued</u>	<u>Current Amount</u>	<u>Recommended Action</u>
Bond 038SB103120224BCM	\$217,219.00	10/28/98	\$217,219.00	RELEASE
Cash	\$24,136.00	11/09/98	\$24,136.00	RELEASE

ADOPTED: November 30, 2020

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 30<sup>th</sup> day of November 2020.

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

RESOLUTION

WHEREAS, 19 Roszel Rd LLC received a Zoning Permit (ZP20-227) on July 29, 2020 to construct a three-story Office Building at 19 Roszel Rd. Building 2 (B) (Block 9 Lot 62; PB06-01); and

WHEREAS, the Developer has decided not to construct said Office Building at this time; and

WHEREAS, the Developer is requesting a refund of the Off Tract Road Assessment Fee (\$7,851.32) and Affordable Housing Fee (\$80,394.38) that they posted when their Zoning Permit was issued; and

WHEREAS, once said fees are refunded the Zoning Permit (ZP20-227) will be voided and will repost said fees when the developer reapplies for a Zoning Permit.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Treasurer is hereby authorized and directed to refund to the Developer \$7,851.32 from the Off-Tract Road Assessment Fund and \$80,394.38 from the Affordable Housing Trust Fund.

Adopted: November 30, 2020

I hereby certify that this is a true copy of a resolution adopted by the West Windsor Township Council at their meeting held on the 30<sup>th</sup> of November, 2020.

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Gay M. Huber  
Township Clerk  
West Windsor Township

RESOLUTION

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

WHEREAS, it is the desire of the Township Council to retain KVD Architecture Inc. to perform architectural services as related to the replacements of the cedar roof on the barn at the Schenck Farm Museum; and

WHEREAS, the Township has retained KVD Architecture Inc. by Resolution 2018-R-O52 on January 29, 2018; and

WHEREAS, it is necessary for the Township to increase KVD Architecture Inc. contract from \$3,200.00 to \$5,000.00; and

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

Schenck Farmstead Carriage House/Barn    405-2009-14-013    \$1,800.00

WHEREAS, services to be performed may be retained by the Township without the public advertising for bids pursuant to the Local Public Contracts Law, N.J.S.A 10A:11-5(1)(a) because the aforesaid services are professional in nature; and

WHEREAS, the Local Public Contracts law requires a Resolution authorizing the award of a contract for services without competitive bidding be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Chief Financial Officer is authorized to amend the purchase order for KVD Architecture by \$1,800.00 for a total not to exceed of \$5,000.00.

ADOPTED: November 30, 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 30<sup>th</sup> day of November, 2020.

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

RESOLUTION

WHEREAS, The Trustees of Princeton University received a General Development Plan approval from the West Windsor Planning Board (PB18-09) on January 29, 2020 adopted by Resolution of Memorialization (“Resolution”) on April 29, 2020, for the construction of certain improvements on a tract of land, designated as Block 3, Lots 1.011 and 1.012, situated in West Windsor Township, Mercer County, New Jersey; and

WHEREAS, a condition of the Resolution is that The Trustees of Princeton University 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 has been prepared by The Trustees of Princeton University and by counsel for the Township; and

WHEREAS, it is in the best interest of the Township to enter into the Developer’s Agreement with The Trustees of Princeton University to ensure that the obligations set forth therein are memorialized and met.

NOW, BE IT RESOLVED by the Township Council of the Township of West Windsor that 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.

ADOPTED: November 30, 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 30<sup>th</sup> day of November, 2020.

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Gay M. Huber  
Township Clerk  
West Windsor Township

## RESOLUTION

- WHEREAS, the Township of West Windsor (“Township”) filed a declaratory judgment action, pursuant to In re Adoption of N.J.A.C. 5:96 & 5:97 ex rel. New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Mount Laurel IV”) in July of 2015, captioned I/M/O The Township of West of Windsor, Docket No. MER-L-1561-15 (“Township Declaratory Judgment Action”), in which the Township sought immunity from builders’ remedy lawsuits; and
- WHEREAS, in 2016, Atlantic Realty Corporation (“Atlantic Realty”), as owner of the parcel of land, known as the H&B Site (“H&B Site”), intervened in the Township’s Declaratory Judgment Action; and
- WHEREAS, in the Fall of 2018, the Township entered into settlement discussions with Intervener Fair Share Housing Center (“FSHC”) in the Township Declaratory Judgment Action; and
- WHEREAS, a settlement agreement between the Township and FSHC was ultimately reached in the Township Declaratory Judgment Action, which was subsequently approved by this Council; and
- WHEREAS, on or about July 2, 2019, the presiding Mount Laurel Judge entered a Final Judgment of Compliance and Repose in the Township Declaratory Judgment Action based on the Township – FSHC settlement; and
- WHEREAS, in August of 2019, as developer of lands within the Township referred to as the “H&B Site”, and as intervenor in the Township Declaratory Judgment Action, Atlantic Realty appealed the July 2, 2019 Order of the Superior Court of New Jersey, Appellate Division, captioned I/M/O The Township of West of Windsor, Docket No. A-005412-18 (“the Appeal”); and
- WHEREAS, on September 13, 2019, Howard Hughes Corporation, through its affiliate Princeton Lands, LLC (“PL”), titleholder to approximately 650 acres (the “HHC Site”), filed a prerogative writ action, captioned: Atlantic Realty Development Corporation v. The Mayor and Council of the Township of West Windsor and the Township of West Windsor assigned Docket No. MER-L-1947-18, as titleholder to approximately 650 acres (“the HHC Action”) seeking residential rezoning of the HHC Site ; and
- WHEREAS, Atlantic Realty acquired title to the HHC site on or about October 29, 2019, and through Court Orders, succeeded to the positions of Howard Hughes Corporation and PL in the Appeal and in the HHC Action; and

WHEREAS, Atlantic Realty and the Township have, through respective legal counsel, negotiated terms of settlement agreement providing for the dismissal of the Appeal and the HHC Action regarding the H&B Site and the HHC Site under terms and conditions set forth in a proposed Stipulation of Settlement with Consent Order (“SCO”) resolving both the Appeal and the HHC Action; and

WHEREAS, the Council has: reviewed the SCO, has consulted with its professionals, heard comment by the public and has determined that it would be in the best interests of the Township to approve the SCO and terms of the settlement agreement memorialized therein.

NOW THEREFORE BE IT RESOLVED, on this, the 30th day of November, 2020 by the West Windsor Township Council, that the Township’s counsel is hereby authorized and directed to execute the SCO attached hereto, or in a form substantially equivalent thereto, approved by Township Council, and the Mayor, and the Township Clerk, are hereby authorized to execute on behalf of the Township all documents contemplated within the SCO and to otherwise do all things necessary or convenient to implement the terms of the settlement agreement memorialized therein

ADOPTED: November 30, 2020,

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of November, 2020.

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Gay M. Huber  
Township Clerk  
West Windsor Township

**ORDINANCE 2020-24**

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-3 INDUSTRIAL DISTRICT – (Research, Office, Limited Manufacturing)

WHEREAS, the Planning Board of West Windsor adopted a Land Use Element of the Master Plan on February 12, 2020 (2020 Land Use Plan Element); and

WHEREAS, the 2020 Land Use Plan Element recommends expanding the list of permitted uses in the ROM-3 District to include self-storage and warehousing; and

WHEREAS, the intent of the ROM-3 District is to promote a high-quality level of development at a scale that will also provide substantial compatibility with the residential and agricultural nature of the surrounding area, protect any associated existing or proposed areas of Township Greenbelt and limit both environmental impacts and potential conflicts with surrounding neighborhoods to the greatest degree possible.

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

Section 1. Chapter 300 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 200-213, ROM-3 Industrial District (research, office, limited manufacturing) use regulations, is hereby amended as follows. Added text is underlined, and text being eliminated is ~~struck-through~~.

**§ 200-213 ROM-3 Industrial District (research, office, limited manufacturing) use regulations.**

- A. Permitted uses. In an ROM-3 District, no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses, and all such uses shall be subject to the performance standards set forth in Part 1, Site Plan Review, of this chapter.
- (1) All those permitted uses as listed for an ROM-2 District.
  - (2) Research-office. Limited manufacturing park developments, notwithstanding any other requirements of this chapter, shall be subject to those special requirements as listed herein for a ROM-1 Park District, except as changed herein:
    - (a) Minimum park area: 12 acres in contiguous parcels.
    - (b) Minimum lot area: three acres.



(c) Minimum park and lot frontage: 250 feet.

(d) Maximum building height: three stories, but not to exceed 45 feet.

(3) Warehousing and distribution facilities.

(4) Finishing and assembly of products.

(5) Self-storage facilities.

B. Accessory Uses. In the ROM-3 District, the following uses may be permitted as accessory uses.

(1) Accessory uses and accessory buildings incidental to the above uses located on the same lot and within the same zoning district permitting the principal use.

(2) Uses and buildings incidental to permitted uses within the same zoning district permitting the principal use.

(3) A restaurant or cafeteria primarily for supplying meals only to employees and guests of the principal use.

(4) In-service training schools for employees.

(5) Custodial living quarters.

(6) Indoor and outdoor recreation facilities, provided that all such accessory buildings and uses shall be planned as an integral part of the principal use.

(7) Assembly halls for meetings incidental to the business of the principal use.

(8) Maintenance, utility and storage facilities incidental to the principal use.

(9) Guard houses.

(10) Public and Private utility (e.g., electric, gas, telephone, cable, water, sewer, etc.) substations, electric and gas facilities to service the permitted uses. The facilities shall be subject to the requirements contained in Article XXVII, §200-156B, except that the requirement of 200-156B(6)b shall not apply.

(11) Electric vehicle charging stations.

B- C. Conditional uses. In an ROM-3 District, the following uses may be permitted as conditional uses:

(1) Any use permitted by condition in an ROM-2 District, with the exception of §§ 200-211B(3).

(2) Transmission lines, transmitting and receiving antennae or aerials subject to the requirement set forth in Article XXVII, Section 200-156B.

(3) Public utilities (e.g. electric, gas, telephone, cable, water, sewer, etc.) substation, electric and gas facilities subject to the requirements contained in Article XXVII, Section 200-156B, except those utilities which are necessary to service the permitted uses.

Section 2. Chapter 300 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 200-214, ROM-3 District bulk and area regulations, is hereby amended as follows. Added text is underlined, and text being eliminated is ~~struck through~~.

**§ 200-214 ROM-3 Industrial District (research, office, limited manufacturing) use regulations.**

The following shall be the standards for the ROM-3 District

- A. Minimum lot area: five acres.
- B. Minimum lot area for warehouse and distribution facilities: twenty-five (25) acres.
- ~~B. C.~~ Minimum lot frontage: 300 feet.
- ~~C. D.~~ Minimum lot width: 300 feet.
- ~~D. E.~~ Minimum lot depth: not applicable.
- ~~E. F.~~ Minimum Yards
  - (1) Front yard: 125 feet, ~~with a seventy-five foot landscape area at the street right-of-way.~~
  - (2) Rear yard: 40 feet.
  - (3) Side yard: ~~There shall be two side yards with a minimum of 40 feet each.~~
    - (a) For buildings less than or equal to forty (40) feet in height: twenty-five (25) feet.
    - (b) For buildings greater than forty (40) feet in height: forty (40) feet.
    - (c) For warehouse and distribution facilities, a side yard setback of three hundred (300) feet shall be provided from the westerly boundary line of the ROM-3 District.
  - (4) Yards abutting residential districts. ~~The above yard, including the landscape transition buffer and screen requirements, shall be increased by 20 feet in those instances where they abut, in whole or in part, a residential district or lot line.~~ Side and rear yards shall be increased by twenty-five (25) feet in those instances where they abut, in whole or in part, a residential zone district or lot line. This provision shall not apply to the aforementioned three hundred (300) foot setback from the westerly boundary line of the ROM-3 District established for warehouse and distribution facilities.
- G. Minimum distance between buildings: 25 feet.

~~F. H.~~ Maximum FAR. There shall be no FAR for the ROM-3 District. The maximum permitted FAR shall be allowed to vary according to the following schedule, depending on the intended use and building height:

<del>Primarily<sup>†</sup> Research/Office Uses<sup>†</sup></del>	<del>Maximum FAR</del>
<del>In one-story buildings</del>	<del>0.22</del>
<del>In multistory buildings</del>	<del>0.30</del>
<del>Primarily<sup>†</sup> Manufacturing/Warehousing Uses<sup>†</sup></del>	<del>Maximum FAR</del>
<del>In one-story buildings</del>	<del>0.30</del>
<del>In multistory buildings</del>	<del>0.40</del>

~~NOTE:~~

~~<sup>†</sup>"Primarily" shall mean more than 80% of total building use on a lot. The maximum FAR shall be adjusted proportionately where less than 80% of the designated building uses are proposed for a lot.~~

~~G. I.~~ Maximum improvement coverage: 50% 70%.

~~H. J.~~ Maximum building height: three stories, but not to exceed 45 feet.

~~(1)~~ The maximum building height shall be three stories and forty-five (45) feet for all uses except warehouse and distribution facilities.

~~(2)~~ The maximum height shall be two (2) stories and forty-five (45) feet for warehouse and distribution facilities.

~~K.~~ Parking in yards. Parking shall be permitted in the front, rear, and side yard setbacks subject to the following:

~~(1)~~ Parking lots shall maintain a twenty-five (25) foot minimum grassed or landscaped separation on each lot to an adjoining lot, except that a seven and one-half (7.5) foot minimum grass or landscaped separation on each lot may be provided in those instances where a warehouse and distribution facility abuts an adjacent warehouse distribution facility.

~~(2)~~ Parking shall not be permitted in any landscape buffer required by this chapter.

~~L.~~ Parking for warehouse and distribution facilities. Parking at warehouse and distribution facilities shall be computed on a pro rata basis as the sum of the parking required for the floor area of the facility used as office space plus the parking required for the floor area of the building used for warehousing or distribution space. The parking ratios to be used in this computation are as follows:

~~(1)~~ One (1) space for each five thousand (5,000) square feet of building floor area devoted to warehousing and/or distribution space.

~~(2)~~ One (1) space for each two hundred and fifty (250) square feet of building floor area that is devoted to office space.

M. ROM-3 District Performance Standards. All uses permitted in the ROM-3 District shall be subject to the performance standards set forth in Part 1, Site Plan Review, of this chapter, except as modified below.

- (1) The provisions of Section 200-36.1 shall not apply to warehouse and distribution facilities. The provisions of Section 200-36.1 shall apply to all other uses, except that sidewalks in the ROM-3 District may be constructed of impervious materials.
- (2) The provisions of Section 200-28.D(1) shall not apply.
- (3) Parking and loading is permitted between the fronts of buildings and the street line. No parking is permitted within any landscaped buffer as required herein.
- (4) Aisles for the movement and circulation of vehicles shall be permitted in all yard setback areas. No aisle, except those required for access into and out of the site, shall be permitted in landscaped buffer as required herein.
- (5) Trailer parking spaces and loading docks shall be permitted within building yard setbacks for warehouse and distribution facilities.
- (6) Existing trees may be removed in accordance with all outside agency regulations and pursuant to site plan approval.
- (7) Bicycle parking shall not be required for warehouse distribution facilities.

O. Buffers. Landscape buffers in the ROM-3 District shall be provided as follows.

- (1) A landscape buffer of seventy-five (75) feet shall be provided at the street line.
- (2) For warehouse and distribution facilities, a landscape buffer of one hundred (100) feet shall be provided from the westerly boundary line of the ROM-3 District.
- (3) No parking or loading shall be permitted in a landscape buffer.
- (4) Yard requirements shall be deemed to be counted as part of the landscape buffer area. Where yard areas are less than the required buffer area, they shall be increased accordingly.
- (5) Suitably landscaped and bermed stormwater basins in the ROM-3 District may be located within any yard setbacks or landscaped buffers required by this Chapter, provided that a maximum of fifty percent (50%) of the basin may be located within the buffer area.

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

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

Introduction:

Planning Board Approval:

Public Hearing:

Adoption:

Mayor Approval:

Effective Date:

**ORDINANCE 2020-25**

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 200 OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) BY CREATING THE PLANNED COMMERCIAL DISTRICT (PCD)

WHEREAS, the Planning Board of West Windsor adopted a Land Use Element of the Master Plan on February 12, 2020 (2020 Land Use Plan Element); and

WHEREAS, the 2020 Land Use Plan Element recommends a Planned Commercial District encompassing lots commonly referred to as the Howard Hughes Tract which are identified by municipal tax records as Block 8 Lots 1, 2, 2 (QFarm), 3, 16, 20, 28, 32.01, 39, 40, 41, 45, 46, and 49 as well as Block 15.14 Lots 18, 18 (QFarm), 19, 19 (QFarm), 20, 20 (QFarm), 22 (QFarm), 26 (QFarm), and 75; and

WHEREAS, the 2020 Land Use Plan Element recommends a variety of research, industrial, and commercial land uses to be permitted in this PCD; and

WHEREAS, the intent of the PCD is to support a wide variety of nonresidential uses to facilitate the redevelopment of the tract, while also ensuring that any such development will be complementary to the surrounding area, protect existing environmental constraints, minimize undue strain on the Township's community facilities, and avoid any substantial adverse impacts to the existing traffic and circulation patterns of Clarksville Road, Quakerbridge Road, and the US Route 1 corridor.

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

Section 1. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 1, Site Plan Review, Article II, Terminology, Section 200-4, Definitions, Subsection B is amended by adding the following NEW definitions.

DISTILLERY – A facility which produces by distillation spirits for consumption, the sales and distribution of which are subject to regulation by the State of New Jersey.

OUTPATIENT SURGICAL FACILITY – A facility providing surgical treatment to patients not requiring hospitalization. It is not part of a hospital but is organized and operated to provide medical care to out-patients. Patients shall be served solely on an out-patient basis, and no patients shall be kept overnight on the premises.

PERFORMING ARTS FACILITY – A multi-use establishment that is intended for use by various types of the performing arts, including but not limited to dance, music, and theater.

PET DAY CARE FACILITY – A facility where dogs, cats, and other domestic household pets are temporarily boarded for pay or remuneration of any sort. A pet day care service is distinguished from a kennel in that pets are typically boarded for the day,

although overnight may be available. A pet day care establishment may also offer accessory services, such as retail sales of pet care supplies, veterinary services, and animal grooming. The breeding and/or selling of animals at these facilities is not permitted.

SPA – A commercial establishment offering health and beauty treatment through such means as steam baths, message, and similar services.

WINERY – A licensed facility comprising the building or buildings used to convert fruit or fruit juices to wine, and to age, bottle, store, distribute, and sell said wine. A winery includes crushing, fermenting and refermenting, bottling, blending, bulk and bottle storage, aging, shipping, receiving, laboratory equipment and maintenance facilities, sales, and administrative office functions, and may include tasting and promotional events.

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 August 17, 2020, and revised through \_\_\_\_\_, 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 3. Chapter 300 of the Code of the Township of West Windsor (1999), Land Use, Part 4, Zoning, Article XXVIII, Regulations for Business Districts, Section 200-207.3, PCD Planned Commercial District use regulations, is hereby created as follows.

**§ 200-207.3 PCD Planned Commercial District use regulations.**

- A. Intent. The intent of the PCD is to support a wide variety of nonresidential uses to facilitate the redevelopment of the tract, while also ensuring that any such development will be complementary to the surrounding area, protect existing environmental constraints, minimize undue strain on the Township's community facilities, and avoid any substantial adverse impacts to the existing traffic and circulation patterns of Clarksville Road, Quakerbridge Road, and the US Route 1 corridor. Retail, service commercial, entertainment and hospitality uses are to be located along Quakerbridge Road and US Route 1 in order to maintain the commercial character of those corridors. Warehouse and distribution uses are encouraged within the remainder of the district. The PCD is also intended to

promote an attractive comprehensive integrated design and encourage a high level of investment.

- B. Permitted uses. In the PCD, no building or premises shall be used and no building shall be erected or altered which is arranged, intended, or designed to be used except for one or more of the following uses, and all such uses shall be subject to the performance standards set forth in Part 1, Site Plan Review, of this chapter unless otherwise noted.
- (1) General, corporate, administrative, and professional offices.
  - (2) Research, testing, analytic laboratories.
  - (3) Product development laboratories.
  - (4) Pilot plant facilities.
  - (5) Warehousing and distribution facilities.
  - (6) Finishing and assembly of products.
  - (7) Limited manufacturing.
  - (8) Data processing and computer centers.
  - (9) Business support uses.
  - (10) Banks with or without drive-through lanes.
  - (11) Retail stores and shops.
  - (12) Personal service establishments.
  - (13) Restaurants, including but not limited to establishments offering indoor dining, outdoor dining, take out, delivery, curbside pickup, and drive-through lanes.
  - (14) Taverns offering alcoholic beverages for sale and consumption on the premises.
  - (15) Brew pubs.
  - (16) Fast food restaurants with or without drive-through lanes.
  - (17) Gas stations in conjunction with a convenience store and/or vehicle wash.
  - (18) Health clubs.
  - (19) Fitness centers.
  - (20) Commercial recreation facilities.
  - (21) Spas.
  - (22) Performing art facilities.
  - (23) Legitimate theaters.
  - (24) Motion-picture theaters.
  - (25) Cultural facility buildings or structures.
  - (26) Hotels with one hundred (100) or more guest rooms.



- (27) Conference centers.
  - (28) Child care centers.
  - (29) Senior day care centers.
  - (30) Medical offices.
  - (31) Urgent care medical facilities.
  - (32) Outpatient surgical facilities.
  - (33) Breweries.
  - (34) Wineries.
  - (35) Distilleries.
  - (36) Veterinary clinics.
  - (37) Pet day care facilities.
  - (38) Mixed use planned developments pursuant to Section 200-209A.(8), except for affordable housing.
  - (39) A community landmark sign serving as a gateway to the community and which may include an electronic sign with changeable type, which shall display information regarding municipal, civic, and community events as well as emergency messaging. It may also display on-premises and off-premises advertising.
  - (40) Any existing wastewater treatment plant or electrical substation which existed prior to the date of the adoption of this ordinance.
  - (41) Any kennel which existed prior to the date of the adoption of this ordinance.
  - (42) Any combination of the above permitted uses in one or more principal buildings on a lot.
- C. Accessory uses. In the PCD, the following uses may be permitted as accessory uses.
- (1) Accessory uses and accessory buildings incidental to the above uses located on the same lot and within the same zoning district permitting the principal use.
  - (2) Outdoor and rooftop dining for restaurants, hotels, taverns, breweries, brewpubs, and wineries.
  - (3) A restaurant or cafeteria primarily for supplying meals only to employees and guests of the principal use.
  - (4) In-service training schools for employees.
  - (5) Custodial living quarters.
  - (6) Indoor and outdoor recreation facilities, provided that all such accessory buildings and uses shall be planned as an integral part of the principal use.

- (7) Assembly halls for meetings incidental to the business of the principal use.
  - (8) Maintenance, utility, and storage facilities incidental to the principal use.
  - (9) Guard houses.
  - (10) Public and private utility (e.g. electric, gas, telephone, cable, water, sewer, etc.) substations, electric and gas facilities to service the permitted uses. Such facilities shall be subject to the requirements contained in Article XXVII, Section 200-156B, except that the requirements of Section 200-156B(6)b shall not apply.
  - (11) Electric vehicle charging stations.
- D. Conditional uses. In the PCD, the following uses may be permitted as conditional uses.
- (1) Transmission lines, transmitting and receiving antennae or aerials subject to the requirement set forth in Article XXVII, Section 200-156B.
  - (2) Public utilities (e.g. electric, gas, telephone, cable, water, sewer, etc.) substation, electric and gas facilities subject to the requirements contained in Article XXVII, Section 200-156B, except those utilities which are necessary to service the permitted uses.

Section 4. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 4, Zoning, Article XXVIII, Regulations for Business Districts, Section 200-207.4, PCD Planned Commercial District bulk and area regulations, is hereby created as follows.

**§ 200-207.4 PCD Planned Commercial District bulk and area regulations.**

- A. Minimum lot area: None.
- B. Minimum lot frontage: 300 feet.
- C. Minimum lot width: 300 feet.
- D. Minimum lot depth: None.
- E. Minimum front yards:
  - (1) Along Quakerbridge Road: 50 feet.
  - (2) Along Clarksville Road: 100 feet.
  - (3) Along US Route 1: 100 feet.
  - (4) Along proposed roads generally consistent with the Master Plan: 100 feet.
  - (5) Along other roadways: 50 feet.
- F. Minimum rear yard: 40 feet.
- G. Minimum side yard:
  - (1) For buildings less than or equal to 40 feet in height: 25 feet.
  - (2) For buildings greater than 40 feet in height: 40 feet.
- H. Yards abutting residential districts. The above yards shall be increased by 25 feet in those instances where they abut, in whole or in part, a residential zone district or lot line.
- I. Minimum building setback from US Route 1 or Quakerbridge Road for warehouse and distribution facilities: 300 feet.
- J. Minimum distance between buildings: 25 feet.
- K. Maximum improvement coverage: 70%
- L. Maximum building height:
  - (1) The maximum building height shall be three (3) stories and forty-five (45) feet for all uses except warehouse and distribution facilities as well as hotels located along US Route 1.
  - (2) The maximum building height shall be two (2) stories and sixty (60) feet for warehouse and distribution facilities.
  - (3) The maximum building height shall be six (6) stories and seventy-five (75) feet for hotels along US Route 1 provided that:

- (a) Four (4) or more storied buildings shall be located only within a band one thousand and eight hundred (1,800) feet in width as measured from the right of way line of US Route 1.
  - (b) The minimum setback requirements shall be increased an additional three (3) feet of setback for one (1) foot of building height which exceeds forty-five (45) feet.
- M. Maximum Retail Building Space.
  - (1) The maximum size of a retail building shall be twenty-five thousand (25,000) square feet.
  - (2) The total combined retail area of the PCD shall not exceed one hundred and fifty thousand (150,000) square feet, not including restaurants and/or shops associated with the hotel use.
- N. Parking in yards. Parking shall be permitted in the front, rear, and side yard setbacks subject to the following:
  - (1) Parking lots shall maintain a twenty-five (25) foot minimum grassed or landscaped separation on each lot to an adjoining lot, except that a seven and one-half (7.5) foot minimum grass or landscaped separation on each lot may be provided in those instances where a warehouse and distribution facility abuts an adjacent warehouse and distribution facility.
  - (2) Parking shall not be permitted in any landscape buffer required by this chapter.
- O. Parking for warehouse and distribution facilities. Parking at warehouse and distribution facilities shall be computed as the sum of the parking required for the floor area of the facility used as office space plus the parking required for the floor area of the building used for warehousing or distribution space. The parking ratios to be used in this computation are as follows:
  - (1) One (1) space for each five thousand (5,000) square feet of building floor area devoted to warehousing and/or distribution space.
  - (2) One (1) space for each two hundred and fifty (250) square feet of building floor area that is devoted to office space.
- P. PCD Performance Standards. All uses permitted in the PCD shall be subject to the performance standards set forth in Part 1, Site Plan Review, of this chapter, except as modified below.
  - (1) The provisions of Section 200-36.1 shall not apply to warehouse and distribution facilities. The provisions of Section 200-36.1 shall apply to all other uses, except that sidewalks in the PCD may be constructed of impervious materials.
  - (2) The provisions of Section 200-28.D(1) shall not apply.

- (3) Parking and loading is permitted between the fronts of buildings and the street line. No parking is permitted within any landscaped buffer as required herein.
  - (4) Aisles for the movement and circulation of vehicles shall be permitted in all yard setback areas. No aisle, except those required for access into and out of the site, shall be permitted in landscaped buffer as required herein.
  - (5) Trailer parking spaces and loading docks shall be permitted within building yard setbacks for warehouse and distribution facilities.
  - (6) Acceleration and deceleration lanes shall not be required at warehouse and distribution facility entrances along the master plan road located between US Route 1 and Quakerbridge Road.
  - (7) Impervious cover, including but not limited to buildings, sidewalks, or other constructed surface, shall be permitted within two hundred (200) feet of the centerline of any stream, ditch, or watercourse not identified on Attachment A. The construction of any such impervious cover shall be in accordance with all outside agency regulations as applicable.
  - (8) Existing trees may be removed in accordance with all outside agency regulations and pursuant to site plan approval.
  - (9) Bicycle parking shall not be required for warehouse and distribution facilities.
- Q. Additional standards pertaining to banks and fast-food restaurants with drive-through lanes. The following additional standards shall apply to drive through lanes in the PCD.
- (1) The minimum distance between the edge of a drive-through lane and any property line shall be thirty (30) feet, or fifty (50) feet if the property adjoins a residential district.
  - (2) Direct access to and from drive-throughs shall not be permitted from public streets. Such access shall be provided from within the lot or the internal road system servicing the primary use. Ingress and egress points shall be coordinated so as not to impede the main traffic flow to, from, or passing by the drive-through lanes.
  - (3) For banks, no more than four (4) drive-through teller windows shall be provided, not including an ATM drive-up lane.
- R. Additional standards pertaining to veterinary clinics. The following additional standards shall apply to veterinary clinics in the PCD.
- (1) The veterinary clinic building shall be sited at least one hundred and fifty (150) feet from any residential use or zoning district.
  - (2) Buildings housing animals shall be soundproofed to a maximum transmission of 65 dB measured on the outside of the exterior wall. Other soundproofing requirements may be imposed by the board of jurisdiction,

- such as, but not limited to the following: non-opening windows and forced-air ventilation, solid core doors and sound-absorbent ceilings.
- (3) Proper and ample ventilation of all animal areas in buildings shall be demonstrated to the satisfaction of the board of jurisdiction and shall meet all state licensing requirements.
  - (4) Animals may be kept overnight for medical reasons only.
  - (5) Animals shall be housed indoors and may be allowed outside only for short periods under staff supervision for hygienic or medical reasons. When they are outside, they shall be kept in a completely enclosed area.
  - (6) A maximum percentage of floor area for overnight holding of animals shall be limited to 30% of the gross floor area of the veterinary clinic/hospital building.
  - (7) No cremation or disposal of dead animals is allowed on the premises. Disposal of used and contaminated veterinary medical supplies shall meet low-level hazardous waste disposal requirements.
  - (8) The curbing of pets shall be addressed.
- S. Additional standards pertaining to pet day care facilities. The following additional standards shall apply to pet day care facilities in the PCD.
- (1) All buildings and structures, including outdoor play areas or other enclosures in which the animals are to be kept, shall be located at least one hundred fifty (150) feet from any residential use or zoning district.
  - (2) Buildings housing animals shall be soundproofed to a maximum transmission of 65 dB measured on the outside of the exterior wall. Other soundproofing requirements may be imposed by the board of jurisdiction, such as, but not limited to the following: non-opening windows and forced-air ventilation, solid core doors and sound-absorbent ceilings.
  - (3) All buildings shall be of adequate construction, maintained in good repair, and secured in order to protect animals from injury or escape.
  - (4) Proper and ample ventilation of all animal areas in buildings shall be demonstrated to the satisfaction of the board of jurisdiction and shall meet all state licensing requirements.
  - (5) All animals housed in the facility shall be kept within the confines of a building between the hours of 9:00 p.m. and 8:00 a.m.
  - (6) Outdoor facilities:
    - (a) A wall or fence shall be installed to secure the pets from other domestic animals and unauthorized individuals.
    - (b) Outdoor animal areas shall be sufficient to protect the animal from sunlight, rain, snow or weather detrimental to the animal's health or shall allow indoor access.

- (c) Provisions shall be made for the removal and proper disposal of animal food, waste, bedding, and debris.
  - (d) All outdoor areas where animals are kept shall have impermeable flooring that can easily be cleaned and sanitized or shall have a minimum of six inches of animal-appropriate gravel which is replaced on a regular schedule which is consistent with the maintenance of sanitary conditions.
- T. Additional standards pertaining to community landmark signs. The following additional standards shall apply to community landmark signs in the PCD.
- (1) One (1) Community Landmark Sign shall be permitted along Quakerbridge Road, and one (1) Community Landmark Sign shall be permitted along the US Route 1 corridor
  - (2) A Community Landmark Sign shall serve as a gateway sign into the community and as such, such sign shall provide sufficient availability for community information.
  - (3) A Community Landmark Sign shall provide availability and display time for municipal, civic or emergency messaging use and may display on-premises and off-premises advertising.
  - (4) The nearest edge of the Community Landmark Sign display face shall have a setback of thirty-five (35) feet from any right-of-way.
  - (5) No Community Landmark Sign shall exceed fifty (50) feet in height measured from the top of the sign to the grade at the base of the sign.
  - (6) Each Community Landmark sign may have up to two display faces, placed either back to back or in a V-shaped configuration. Each display face shall have a maximum area of three hundred and seventy-eight (378) square feet.
  - (7) Community Landmark Signs shall be permitted to operate twenty-four (24) hours a day.
  - (8) All message or copy change of the Community Landmark Sign display face shall be instantaneous. Scrolling, fading, animated, flashing or moving messages or copy is prohibited. No display face shall change message or copy more than once every eight (8) seconds.
  - (9) A Community Landmark Sign display face may not message or advertise adult or sexually oriented businesses or materials, hate speech, or use any form of profane language or promotion of any message that would be obscene in nature.
  - (10) All Community Landmark Signs shall incorporate ambient light sensors that measure the levels of surrounding light and automatically reduce the intensity of illumination during periods of darkness or increase the intensity of illumination during periods of brightness. No Community

Landmark Sign display face shall exceed a maximum illumination intensity of 500 nits during nighttime hours (dusk until dawn) and 7,500 nits during daytime hours (dawn until dusk) when the display face is in direct sunlight. A Community Landmark Sign display face shall not spill light or glare exceeding 0.3-foot candles of light above the ambient light level.

- (11) The architecture of a Community Landmark Sign shall incorporate visual art or architecture elements in addition to its messaging function thereby creating a unique or distinctive architectural design. A Community Landmark Sign design shall incorporate one or more of the following architectural elements: natural or reproduced stone, stucco, wood, brick, ornamental iron or decorative steel. Any Community Landmark Sign design that incorporates landscaping shall require the operator (the entity, person, or individual who owns the New Jersey Department of Transportation outdoor advertising sign permit for the specific Community Landmark Sign display area) to permanently maintain the landscaping. The owner or operator of the Community Landmark Sign shall continuously maintain the structure and surrounding associated area. The Township may require a Community Landmark Sign to display the name of the municipality, county or local identifiable community area as part of the structure.
- (12) Community Landmark Signs shall not be considered a principal use or structure on a lot and shall be allowed on lots that already have principal uses or structures.

U. Buffers. Landscape buffers in the PCD shall be provided as follows.

- (1) Landscape transition buffer. A landscape transition buffer of not less than twenty-five (25) feet in width shall be provided and maintained by the owner or lessee of a property between any nonresidential use and contiguous residentially zoned districts.
- (2) A landscape buffer of fifty (50) feet in width shall be provided along US Route 1 and Quakerbridge Road.
- (3) A landscape buffer of seventy-five (75) feet shall be provided along Clarksville Road.
- (4) A landscape buffer of twenty-five (25) feet shall be provided along the master plan road located between US Route 1 and Quakerbridge Road.
- (5) No parking or loading shall be permitted in a landscape buffer.
- (6) Yard requirements shall be deemed to be counted as part of the landscape buffer area. Where yard areas are less than the required buffer area, they shall be increased accordingly.



- (7) Suitably landscaped and bermed stormwater basins in the PCD may be located within any yard setbacks or landscaped buffers required by this Chapter, provided that a maximum of fifty percent (50%) of the basin may be located within the buffer area.

Section 5. In the event of any conflict between the provisions and requirements of this section and the provisions and requirements of any other section of this chapter, the provisions and requirements of this section shall govern.

Section 6. This ordinance shall take effect twenty days after action or inaction by the Mayor as approved by law, or an override of a mayoral veto by the Council, whichever is applicable; upon filing with the Mercer County Planning Board; and upon publication according to law.

Introduction:

Planning Board Approval:

Public Hearing:

Adoption:

Mayor Approval:

Effective Date:

Attachment A

