

**MEETING TO BE
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**AGENDA FOR A BUSINESS SESSION MEETING
OF THE TOWNSHIP COUNCIL OF WEST WINDSOR TOWNSHIP
WEST WINDSOR MUNICIPAL BUILDING
271 CLARKSVILLE ROAD
TO THE EXTENT KNOWN**

April 7, 2025

7:00 P.M.

1. Call to Order
2. Roll Call
3. Statement of Adequate Notice - January 17, 2025 to The Times and the Princeton Packet, filed with the Municipal Clerk and posted at the Municipal Building and on the Township web-site.
4. Salute to the Flag
5. Ceremonial Matters and/or Topics for Priority Consideration
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
11. Consent Agenda
 - A. Resolutions
 - B. Minutes
 - C. Bills & Claims
12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk
- 2025-R100 Authorizing the Place to Place De-License Transfer of Liquor License 1113-33-016, GMRI, Inc. to Remove Suite 100A (Bahama Breeze) from the Licensed Premises
- 2025-R101 Authorizing the Mayor and Clerk to Execute the Renewal of a Shared Services Agreement Between West Windsor Township and Hightstown Borough for the Provision of Public Health Services and Receipt of Public Health Nursing Services for the Period January 1, 2025 Through December 31, 2025
- 2025-R102 Authorizing the Commitment to Pledge Continuation and Expand Sustainable Land Use Planning Practices within West Windsor Township in Support of an Application Under the Sustainable Jersey Municipal Certification Program
- 2025-R103 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Center State Engineering to Provide Construction, Administration and Observation Services for the Sidewalk Repair Program 2024 Project - \$19,200.00
- 2025-R104 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Center State Engineering to Provide Construction, Administration and Observation Services for the Street Tree Removal & Stump Grinding Winter 2025 Project - \$10,200.00
- 2025-R105 Authorizing the Mayor and Clerk to Execute the Renewal of an Agreement with the Hamlet at Bear Creek, LLC for HVAC Upgrades and Site Improvements as part of the Township's Affordable Housing Spending Plan - \$499,300.00
- 2025-R106 Authorizing the Business Administrator to Purchase Packetalk Automated License Plate Recognition Cameras and Appurtenances for the Police Division Through the Educational Services Commission of New Jersey (ESCNJ) Cooperative Pricing Program - \$63,999.00
- 2025-R107 Authorizing the Local Examination of the 2025 Budget

2025-R108 Certifying Compliance with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964" in Accordance with N.J.S.A. 40A:4-5

14. Introduction of Ordinances

2025-03 AN ORDINANCE AMENDING CHAPTER 200 LAND USE, ARTICLE IV, THE PROCEDURES SET FORTH FOR SITE PLAN APPROVAL AND SUBDIVISION APPROVAL, SECTIONS 200-11, 12, 13, 14, AND 15 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF WEST WINDSOR

PUBLIC HEARING: May 19, 2025

2025-04 AN ORDINANCE AMENDING CHAPTER 200 LAND USE, PART 2, ARTICLE XI, THE PROCEDURES SET FORTH FOR SITE PLAN APPROVAL AND SUBDIVISION APPROVAL, SECTIONS 200-47, 49, 50, 53, AND 54 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF WEST WINDSOR

PUBLIC HEARING: May 19, 2025

2025-05 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

PUBLIC HEARING: May 19, 2025

2025 BUDGET INTRODUCTION

PUBLIC HEARING: May 19, 2025

15. Additional Public Comment (15 minutes comment period; three-minute limit per person)

16. Council Reports/Discussion/New Business

17. Administration Updates

14. Closed Session - if needed

15. Adjournment

RESOLUTION

WHEREAS, the Township of West Windsor has received a Retail Liquor License Application from GMRI, Inc. for a Place to Place De-License Transfer of Liquor License 1113-33-016-002 to remove Suite 100A, Bahama Breeze from the licensed premises; and

WHEREAS, the West Windsor Police Department has conducted a background investigation and approved the Place to Place De-License Transfer of the Plenary Retail Consumption License; and

WHEREAS, in accordance with N.J.A.C. 13:2-7.4, the applicant has provided the Township Clerk's Office the proof of publication of the notice of the application in the Princeton Packet on November 1, 2024 and November 8, 2024; and

WHEREAS, no objections to the application have been received; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Place to Place De-License Transfer of the Plenary Retail Consumption License 1113-33-016-002 for GMRI, LLC, location at 3535 U.S. Highway 1, West Windsor, New Jersey 08540 to remove Suite 100A, Bahama Breeze from the licensed premises, is hereby approved.

Adopted: April 7, 2025

I hereby certify the above resolution was adopted by the West Windsor Township Council at their meeting held on the 7th day of April, 2025.

Allison D. Sheehan
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: March 14, 2025

Initiated By: Jill Swanson

Division/Department: Health

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Adoption of a Resolution authorizing the Mayor and Clerk to sign a shared services agreement with Hightstown Borough for the provision of public health services and receipt of public health nursing services.

The revenue is deposited directly into the Township's general revenue account. Under this agreement, Hightstown Borough employs a full-time Senior Public Health Nurse who reports directly to the Health Officer and provides public health nursing services within the department's full jurisdictional coverage area of West Windsor, Robbinsville and Hightstown.

SOURCE OF FUNDING: N/A

CONTRACT AMOUNT: Revenue: 2025-\$25,213

CONTRACT LENGTH: January 1, 2025 through December 31, 2025

OTHER SUPPORTING INFORMATION ATTACHED:

Contract, Resolution

S:\AGENDA INBOX Hightstown Shared Service 2025

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Jill M Swanson 3/14/25
Department/Division Head Date

APPROVED FOR AGENDA OF: 3/4/2/2025

By: Kerry Giblin
Kerry Giblin, Special Assistant to Administration

MEETING DATE: 4/7/25 **Ordinance #** _____ **Resolution #** 2025-R101

Council Action Taken:

RESOLUTION

A RESOLUTION AUTHORIZING THE EXECUTION OF RENEWAL OF A SHARED SERVICES AGREEMENT BETWEEN WEST WINDSOR TOWNSHIP AND HIGHTSTOWN BOROUGH FOR THE PROVISION OF PUBLIC HEALTH SERVICES

WHEREAS, Hightstown Borough is in need of the provision of local public health services and is desirous of renewing a Shared Services Agreement; and

WHEREAS, West Windsor Township is desirous of renewing a Shared Services Agreement to provide public health services to Hightstown Borough; and

WHEREAS, a Shared Services Agreement has been drafted pursuant to N.J.S.A. 40:8A-1 et. seq. effectuating the intent of the parties and is annexed hereto.

NOW, THEREFORE, BE IT RESOLVED the Mayor and Clerk are hereby authorized to execute the renewal of a Shared Services Agreement with Hightstown Borough for the provision of public health services.

Adopted: April 7, 2025

I hereby certify the above resolution was adopted by the West Windsor Township Council at their meeting held on the 7th day of April, 2025.

Allison D. Sheehan
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: March 25, 2025

Initiated By: Francis Guzik Department of Comm. Dev./Engineering

ACTION REQUESTED/EXECUTIVE SUMMARY:

Adoption of a resolution that affirms West Windsor Township's intent to support sustainable smart growth land-use policies. This resolution commits the municipality to continue a thoughtful, longer-term re-evaluation of current land use practices and planning policies. The result will be land use decisions that balance economic, environmental, and social needs. Upon adoption, this pledge will be forwarded to the Planning Board, Zoning Board of Adjustment, Environmental Commission, and Township Department Heads.

This action will contribute toward the Township's application for re-certification in 2025, under the Sustainable Jersey Municipal Certification Program. A similar resolution was adopted several years ago, but adoption of a new resolution within 2.5 years of the application is required to be included for the current application.

SOURCE OF FUNDING: N/A

CONTRACT AMOUNT: N/A

CONTRACT LENGTH: N/A

OTHER SUPPORTING INFORMATION ATTACHED

Memorandum Resolution
Resolution 2022-R178

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Francis Guzik 3/26/25
Department/Division Head Date

APPROVED FOR AGENDA OF: April 7, 2025

By: Martena Schmid 04/02/2025
Martena Schmid, Business Administrator

MEETING DATE: 4/7/25 Ordinance # _____ Resolution # 2025-R102

Council Action Taken:

RESOLUTION

- WHEREAS, land use is an essential component of overall sustainability for a municipality; and
- WHEREAS, it is recognized that the West Windsor Township Planning Board has adopted a Sustainability Plan Element, within the Township Master Plan; and
- WHEREAS, poor land-use decisions can lead to and increase societal ills, such as decreased mobility, high housing costs, increased greenhouse gas emissions, increased water pollution, loss of open space, reduced economic well-being, reduced communal interaction, increased costs to maintain or administer common infrastructure and programs, and the degradation of natural resources; and
- WHEREAS, well planned land use can create transportation choices, provide for a range of housing options, create walkable communities, preserve open space, provide for adequate recreation, and allow for the continued protection and responsible use of vital natural resources; and
- WHEREAS, given New Jersey's strong tradition of home rule and local authority over planning and zoning, achieving a statewide sustainable land use pattern will require municipalities to take the lead.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor, in the County of Mercer, State of New Jersey, that West Windsor resolves to take the following steps with regard to our municipal land-use decisions, with the intent of making West Windsor Township a sustainable community. It is our intent to include these principles as the Sustainable Plan Element of the West Windsor Master Plan is implemented, and when the next Master Plan revision and reexamination report is undertaken by the Planning Board, and to update our land-use zoning, natural resource protection, and other ordinances accordingly.

Regional Cooperation - We pledge to reach out to the administrations of our neighboring municipalities concerning land-use decisions, and to take into consideration regional impacts when making land-use decisions.

Transportation Choices - We pledge to continue the creation of transportation choices with a Complete and Green Streets approach by considering all modes of transportation, including walking, biking, transit and automobiles, as well as the diverse users amongst our residents, when planning transportation projects and reviewing development applications. We will monitor and reevaluate our parking policies with the goal of limiting the amount of required parking spaces, promoting shared parking and other innovative parking alternatives, and encouraging structured parking alternatives, when and where appropriate.

Natural Resource Protection - We pledge to continue to take actions to protect the natural resources of the state in recognition of their environmental, recreational and agricultural values by avoiding or mitigating negative impacts to these resources while seeking opportunities to enhance them. Further, we pledge to re-examine the West Windsor Township Environmental Resources Inventory, when feasible, to identify and assess the extent of our natural resources and to link natural resource management and protection to carrying capacity analysis, land-use and open space planning.

Mix of Land Uses - We pledge to continue to use our zoning power to allow for a mix of residential, retail, commercial, recreational and other land use types in areas that make the most sense for our municipality and the region, particularly in town center areas.

Housing Options - We pledge, through the actions of our zoning and revenue generating powers, to continue to foster a diverse mix of housing types and locations, including single- and multi-family, for-sale and rental options, to meet the needs of all people at a range of income levels.

Green Design - We pledge to continue to incorporate the principles of green design and renewable energy generation into municipal buildings, to the extent feasible, and when updating our site plan and subdivision requirements for residential and commercial buildings.

Municipal Facilities Siting - We pledge, to the extent feasible, to continue to take into consideration factors such as walkability, bike-ability, greater access to public transit, proximity to other land-use types, and open space when locating new or relocated municipal facilities.

Adopted: April 7, 2025

I hereby certify the above resolution was adopted by the Township Council of the Township of West Windsor at their meeting held on the 7th day of April 2025.

Allison D. Sheehan
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: March 17, 2025

Initiated By: Francis Guzik

Division/Department: Comm. Dev./Engineering

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Adoption of a resolution authorizing execution of a professional services agreement with Center State Engineering to provide construction administration and observation services for the Sidewalk Repair Program 2024 project. West Windsor Township solicited and received from Center State Engineering a responsible and qualified fee proposal. The Township Engineer is recommending a contract be awarded to Center State Engineering.

SOURCE OF FUNDING:

Bicycle and Pedestrian Improvements	405-2023-09-013	\$ 10,200.00
Bicycle and Pedestrian Improvements	405-2024-18-012	\$ 9,000.00
Account Title	Account Number	Amount

CONTRACT AMOUNT: \$19,200.00

CONTRACT LENGTH: Duration of construction project

OTHER SUPPORTING INFORMATION ATTACHED:

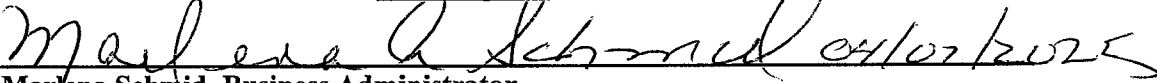
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|-------------------------------------|-----------------------------|-----------------------------------|
| Resolution | Affirmative Action Contract | Proposal – Exhibit A |
| Political Contribution Disclosure | Certification of Funds | Business Entity Disclosure |
| Professional Services Agreement | Stockholder Disclosure | Engineers Memorandum |
| Business Registration Certification | Affidavit of Compliance | Certificate of Information Report |

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW


3/18/25

 Department/Division Head Date

APPROVED FOR AGENDA OF: April 7, 2025

By: 
 Marlena Schmid, Business Administrator

MEETING DATE: 4/7/25 Ordinance # _____ Resolution # 2025-1203

Council Action Taken:

RESOLUTION

WHEREAS, the Township of West Windsor has a need to acquire professional engineering services; and

WHEREAS, Center State Engineering has submitted a proposal dated March 11, 2025 indicating they will provide professional construction administration and observation services for the Sidewalk Repair Program – 2024 project for \$19,200.00; and

WHEREAS, Certification of Funds has been received from the Chief Financial Officer and funds are available in the following accounts:

Bicycle and Pedestrian Improvements	405-2023-09-013	\$ 10,200.00
Bicycle and Pedestrian Improvements	405-2024-18-012	\$ 9,000.00

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 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 \$19,200.00.
- (2) The Agreement so authorized shall require the Provider to provide professional engineering services pursuant to its proposal dated March 11, 2025. The Agreement may be awarded without competitive bidding as authorized by the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5(1)(a) because the services are professional in nature.
- (3) A notice of this action shall be published in the newspaper used by the Township for legal publications as required by law within ten (10) days of its passage.
- (4) An executed copy of the Agreement between the Township and 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: April 7, 2025

I hereby certify the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 7th day of April, 2025.

Allison D. Sheehan
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: March 17, 2025

Initiated By: Francis Guzik

Division/Department: Comm. Dev./Engineering

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Adoption of a resolution authorizing execution of a professional services agreement with Center State Engineering to provide construction administration and observation services for the Street Tree Removal & Stump Grinding Winter 2025 project. West Windsor Township solicited and received from Center State Engineering a responsible and qualified fee proposal. The Township Engineer is recommending a contract be awarded to Center State Engineering.

SOURCE OF FUNDING:

<u>Account Title</u>	<u>Account Number</u>	<u>Amount</u>
Traffic Safety Improv. Hazard Mitigation	405-2022-08-016	\$ 10,200.00

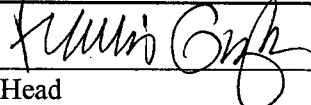
CONTRACT AMOUNT: \$10,200.00

CONTRACT LENGTH: Duration of construction project

OTHER SUPPORTING INFORMATION ATTACHED:

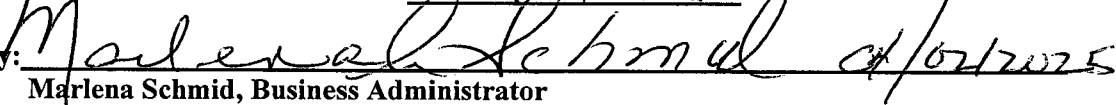
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|-------------------------------------|-----------------------------|-----------------------------------|
| Resolution | Affirmative Action Contract | Proposal – Exhibit A |
| Political Contribution Disclosure | Certification of Funds | Business Entity Disclosure |
| Professional Services Agreement | Stockholder Disclosure | Engineers Memorandum |
| Business Registration Certification | Affidavit of Compliance | Certificate of Information Report |

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW


3/18/25

Department/Division Head Date

APPROVED FOR AGENDA OF: April 7, 2025

By:  4/02/2025

Marlena Schmid, Business Administrator

MEETING DATE: 4/7/25 **Ordinance #** _____ **Resolution #** 2025-12164

Council Action Taken:

RESOLUTION

WHEREAS, the Township of West Windsor has a need to acquire professional engineering services; and

WHEREAS, Center State Engineering has submitted a proposal dated March 11, 2025 indicating they will provide professional construction administration and observation services for the Street Tree Removal & Stump Grinding Winter 2025 project for \$10,200.00; and

WHEREAS, Certification of Funds has been received from the Chief Financial Officer and funds are available in the following account:

Traffic Safety Improv. Hazard Mitigation 405-2022-08-016 \$ 10,200.00

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 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 \$10,200.00.
- (2) The Agreement so authorized shall require the Provider to provide professional engineering services pursuant to its proposal dated March 11, 2025. The Agreement may be awarded without competitive bidding as authorized by the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5(1)(a) because the services are professional in nature.
- (3) A notice of this action shall be published in the newspaper used by the Township for legal publications as required by law within ten (10) days of its passage.
- (4) An executed copy of the Agreement between the Township and 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: April 7, 2025

I hereby certify the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 7th day of April, 2025.

Allison D. Sheehan
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: December 20, 2024

Initiated By: John V. Mauder, CFO Division/Department: Finance/Administration

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Resolution authorizing an agreement with The Hamlet at Bear Creek, LLC an affordable housing development consisting of 61 low and moderate-income age restricted rental units for HVAC upgrade and site improvements.

SOURCE OF FUNDING: Affordable Housing Trust Fund

CONTRACT AMOUNT: \$499,300.00

CONTRACT LENGTH: N/A

OTHER SUPPORTING INFORMATION ATTACHED:

Memo and Agreement

S:\AGENDA INBOX (file name) Hamlet Resolution

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Department/Division Head

Date

APPROVED FOR AGENDA OF: April 7, 2025

By: Marlena A. Schmid 04/02/2025
Marlena A. Schmid, Business Administrator

**** PLEASE NOTE ** DEADLINE FOR SUBMISSION TO THE CLERK'S OFFICE FOR REVIEW AND APPROVAL BY THE BUSINESS ADMINISTRATOR IS 10:00 A.M. ON THE FRIDAY ONE WEEK PRECEDING THE COUNCIL MEETING.**

MEETING DATE: 4/7/25 Ordinance # _____ Resolution # 2025-2105

Council Action Taken:

RESOLUTION

WHEREAS, The Hamlet at Bear Creek, LLC is an affordable housing development consisting of 61 low- and moderate-income age restricted rental units located on Block 33, Lot 1.01 and being part of The Villages at Bear Creek; and

WHEREAS, there is a need for HVAC upgrades in 52 of the apartments: repair of deteriorating asphalt surfaces and curbs, and stormwater management facilities; garbage corrals including new concrete pads and fences; power washing of roof and exterior siding; and miscellaneous mechanical, electrical and plumbing repairs for 11 of the apartments (“the Work”); and

WHEREAS, Michael J. Kokes, Property Manager, in his letter attached hereto to West Windsor Township dated July 29, 2024 has sent forth this work in greater detail and has requested \$499,300 from the Affordable Housing Trust Fund; and

WHEREAS, the work will upgrade the units and improve existing site conditions that are far less than optimal; and

WHEREAS, use of Township Affordable Housing Trust Fund monies for the purposes described represent a form of affordability assistance that applicable regulations permit and require; and

WHEREAS, on February 27, 2019 Township Council of the Township of West Windsor approved the Township’s Affordable Housing Trust Fund Spending Plan (Spending Plan); and

WHEREAS, the Agreement attached hereto provides for a partnership between the Owner and Township to achieve the ends set forth herein and in the Township Master Plan and Sustainable Plan Element; and

WHEREAS, execution of the Agreement would be in the public interest; and

WHEREAS, the commitment of moneys pursuant to such Agreement is consistent with the Spending Plan and in accordance therewith; and

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

Affordable Housing Trust Fund Account Number 121201 \$499,300.00

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

1. The Mayor and Clerk are authorized and directed to execute the Agreement attached hereto.
2. The Chief Financial Officer, John V. Mauder, is authorized and directed to encumber the amount set forth above in the Township Affordable Housing Trust Fund.

ADOPTED: April 7, 2025

I hereby certify the above resolution was adopted by the Township Council of the Township of West Windsor at their meeting held on the 7th day of April 2025.

Allison D. Sheehan
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: 03/19/2025

Initiated By: Chief Garofalo

Division/Department: Police

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Approval of a Resolution Authorizing the Purchase of Packetalk Automated License Plate Recognition Cameras and Appurtenances for the Police Division from CDW Government LLC (CDW-G) Through the Educational Services Commission of New Jersey Cooperative Pricing System (NJ State Approved Co-op #65MCECCPS) Bid #: ESCNJ/AEPA #22G – Technology Catalog – Supplies & Services.

SOURCE OF FUNDING:

Account # 405-2022-08-025

CONTRACT AMOUNT:

\$63,999.00

CONTRACT LENGTH:

5 Year Maintenance Agreement

OTHER SUPPORTING INFORMATION ATTACHED:

Statement of Need
CDW-G Quote Confirmations Dated 03/18/2025 and 03/26/2025
Certification of Funds

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Department/Division Head Date

APPROVED FOR AGENDA OF: 4/7/25

By: Marlena A. Schmid
Marlena Schmid, Business Administrator

MEETING DATE: 4/7/25 Ordinance # _____ Resolution # 2025-12106

Council Action Taken:

RESOLUTION

WHEREAS, the Township of West Windsor Police Division wishes to purchase Packetalk Automated License Plate Recognition (ALPR) Cameras and Appurtenances to assist law enforcement with community-wide public safety efforts; and

WHEREAS, CDW Government LLC (CDW-G), 75 Remittance Drive, Suite 1515, Chicago, IL 60675-1515 has a valid contract through the Educational Services Commission of New Jersey Cooperative Pricing System (NJ State Approved Co-op #65MCESCCPS) Bid #: ESCNJ/AEPA #22G – Technology Catalog – Supplies & Services; and

WHEREAS, CDW-G Price Quotations Date March 18, 2025 and March 26, 2025 for this purchase are for a total amount not to exceed \$63,999.00; and

WHEREAS, the Township of West Windsor, pursuant to N.J.S.A. 40A:11-11 (5) is permitted to purchase goods and services through a cooperative pricing system; and

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

Police – Acq. of Office/Computer Equipment - 405-2022-08-025 - \$63,999.00

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Business Administrator, Marlena A. Schmid, is hereby authorized to purchase the above from CDW Government LLC (CDW-G) through the Educational Services Commission of New Jersey Cooperative Pricing System (NJ State Approved Co-op #65MCESCCPS) Bid #: ESCNJ/AEPA #22G – Technology Catalog – Supplies & Services; for a total amount not to exceed \$63,999.00.

Adopted: April 7, 2025

I hereby certify the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 7th day of April 2025.

Allison D. Sheehan
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: March 14, 2025

Initiated By: John V. Mauder, CFO Division/Department: Finance

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Resolution authorizing local examination of the 2025 Budget. The Local Finance Board adopted rules that permit Municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division for Local Government, of conducting the annual budget examination required by the Local Budget Law. These rules enacted provisions of N.J.S.A. 40A:4-78(b). The Local Examination process grants the Chief Financial Officer and the governing body the responsibility and authority, traditionally held by the Director, to review and approve a municipal budget.

SOURCE OF FUNDING:

N/A

CONTRACT AMOUNT:

N/A

CONTRACT LENGTH:

N/A

OTHER SUPPORTING INFORMATION ATTACHED:

S:\AGENDA INBOX (file name) 2025-SelfExam

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

John V. Mauder
Department/Division Head

3/14/25
Date

APPROVED FOR AGENDA OF: April 7, 2025

By: Marlena A. Schmid 04/02/2025
Marlena A. Schmid, Business Administrator

**** PLEASE NOTE ** DEADLINE FOR SUBMISSION TO THE CLERK'S OFFICE FOR REVIEW AND APPROVAL BY THE BUSINESS ADMINISTRATOR IS 10:00 A.M. ON THE FRIDAY ONE WEEK PRECEDING THE COUNCIL MEETING.**

MEETING DATE: 4/7/25 Ordinance # _____ Resolution # 2025-R107

Council Action Taken:

RESOLUTION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5 the Township of West Windsor has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer and Township Auditor have determined that the Township meets the necessary conditions to participate in the program for the 2025 budget year.

BE IT RESOLVED, by the Township Council of the Township of West Windsor that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceeding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. is fully met (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated,
 - b. Items of appropriation are properly set forth

- c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution is forwarded to the Director of the Division of Local Government Services.

Adopted: April 7, 2025

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 7th day of April 2025.

Allison D. Sheehan
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: March 14, 2024

Initiated By: John V. Mauder Division/Department: Finance

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Resolution certifying compliance with certain Federal civil rights requirements pursuant to P.L. 2017, c. 183.

The governing body must certify that the municipality's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964".

The Municipal Clerk shall maintain and make available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

In order to submit the budget to the Division of Local Government Services, the Chief Financial Officer must certify that the governing body's executed certification is on file and available for inspection.

SOURCE OF FUNDING: N/A

CONTRACT AMOUNT: N/A

CONTRACT LENGTH: N/A

OTHER SUPPORTING INFORMATION ATTACHED:

LFN 2017-27

S:\AGENDA INBOX: Governing Body Certification Resolution

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

John V. Mauder 3/14/25

Department/Division Head

Date

APPROVED FOR AGENDA OF: April 7, 2025

By: Marlena A. Schmid 05 04/07/2025
Marlena A. Schmid, Business Administrator

**** PLEASE NOTE ** DEADLINE FOR SUBMISSION TO THE CLERK'S OFFICE FOR REVIEW AND APPROVAL BY THE BUSINESS ADMINISTRATOR IS 10:00 A.M. ON THE FRIDAY ONE WEEK PRECEDING THE COUNCIL MEETING.**

MEETING DATE: 4/7/25 Ordinance # _____ Resolution # 2025-2168

Council Action Taken:

GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment
Decisions Under Title VII of the Civil Rights Act of 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Township Council of the Township of West Windsor hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183 by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

Adopted: April 8, 2024

I hereby certify the above resolution was adopted by the West Windsor Township Council at their meeting held on the 7th day of April 2025.

Allison D. Sheehan
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: 3/26/2025

Initiated By: Samuel J. Surtees Division/Department: Comm. Dev./Land Use

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Introduction and subsequent adoption of an ordinance amending Article IV Procedures for Site Plan Approval; Sections 200-11; 12; 13; 14; 15 Site Plan Checklist requirements.

SOURCE OF FUNDING: NA

CONTRACT AMOUNT: NA

CONTRACT LENGTH: NA

OTHER SUPPORTING INFORMATION ATTACHED:

Ordinance Summary
Memorandum from Samuel J. Surtees dated 3/26/2025
Ordinance

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

[Signature] 3/26/25 [Signature]
Department/Division Head Date

APPROVED FOR AGENDA OF: 4/7/2025 (INTRODUCTION)
5/19/2025 (PUBLIC HEARING)

By [Signature] 04/02/2025
Marlena Schmid, Business Administrator

MEETING DATE: 4/7/25 Ordinance # 2025-03 Resolution # _____


Council Action Taken:

TOWNSHIP OF WEST WINDSOR

Community Development Department

Division of Land Use

TO: Marlena Schmid, Business Administrator

FROM: Samuel J. Surtees 
Manager, Division of Land Use

SUBJECT: Subdivision/Site Plan Checklists Ordinances (2)

DATE: March 26, 2025

Attached, please find both the **Subdivision and Site Plan Checklist** draft ordinances for Township Council introduction and eventual adoption. The Planning Board conducted a work session at their March 5, 2025 meeting at which time, members of Township Council and the public were in attendance to hear the staff presentation and ask questions of both the board and staff. Several revisions to both draft ordinances were made to address both Township Council and public comments. The attached ordinances reflect those changes.

By way of background, the purpose of a site plan and subdivision checklist is to ensure that the board and public have enough information to reliably understand and review applications. These checklists also inform applicants of what will be expected of their submittal and presentations.

The last time the township comprehensively upgraded its site plan and subdivision checklist was approximately twenty (20) years ago. Subsequently, there have been changes, not only in Land Use Development patterns, but also in technology. Furthermore, on consideration of the MLUL's time of approval rule, it is essential to develop up-to-date and comprehensive checklists to ensure that there is no ambiguity regarding completeness of applications.

Staff respectfully request that these ordinances be introduced at the next available Township Council meeting after which time, they will be referred to the Planning Board for confirmation that they are in compliance with the township Master Plan.

If you have any questions please advise.

Thank you,

SJS/jk
C: SP/SD checklist ord files

ORDINANCE 2025-03

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

AN ORDINANCE AMENDING CHAPTER 200 LAND USE, ARTICLE IV, THE
PROCEDURES SET FORTH FOR SITE PLAN APPROVAL AND SUBDIVISION
APPROVAL, SECTIONS 200-11, 12, 13, 14, AND 15 OF THE TOWNSHIP CODE OF THE
TOWNSHIP OF WEST WINDSOR

WHEREAS, N.J.S.A. 40:55D-10.5 of the Municipal Land Use Law (MLUL) was adopted by the State of New Jersey in 2010 to establish that those development regulations which are in effect on the date of submission of an application for development shall govern the review of that application for development and any decision made with regard to that application for development; and

WHEREAS, N.J.S.A. 40:55D-10.5 of the Municipal Land Use Law (MLUL) further specifies that any provisions of an ordinance, except those relating to health and public safety, that are adopted subsequent to the date of submission of an application for development, shall not be applicable to that application for development; and

WHEREAS, N.J.S.A. 40:55D-10.5, otherwise known as the “time of application” rule, abolished what was previously known as the “time of decision” rule which had favored municipalities during the hearing process by permitting any development regulation adopted by a municipality subsequent to the date of a submission of an application for development to be applicable to that application for development; and

WHEREAS, additional guidance was provided by the New Jersey Supreme Court in Dunbar Homes, Inc. v. Zoning Board of Adjustment of Franklin Township regarding the issue of completeness in applying the “time of application” rule; and

WHEREAS, the Township of West Windsor seeks to amend its subdivision and site plan checklists in order to more clearly delineate submittal requirements for the purposes of determining completeness.

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 IV, Procedures for Site Plan Approval, Section 200-11, Requirements common to preliminary and/or final site plan stages, Subsection A., Map details, is amended as follows. Added text is underlined, and text being eliminated is ~~struck-through~~.

- (1) The title and location of the property.
- (2) The name and addresses of landowner and applicant. If a corporation, limited liability company, or partnership is the landowner or applicant, the principal officer and name of the President and Secretary shall also be included.
- (3) The name, address and ~~professional~~ New Jersey State license number and seal of the professional preparing the documents and drawings. All plans, except those prepared at the sketch stage, shall be prepared, signed and sealed by a New Jersey State licensed professional engineer or architect.
- (4) A place for the signature of the Chair and Secretary of the Planning Board and Health Officer (where septic systems and/or potable wells are proposed).
- (5) The date of the plan and date(s) of any modifications thereto.
- (6) The following standards signature block shall be on the plat map:...
- (7) A legend indicating all symbols used. The applicable portions of the New Jersey Department of Transportation's Standard Legend shall be utilized.

Section 2. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 1, Site Plan Review, Article IV, Procedures for Site Plan Approval, Section 200-11, Requirements common to preliminary and/or final site plan stages, Subsection D., Waiver of information required, is amended as follows. Added text is underlined, and text being eliminated is ~~struck-through~~.

- D. Waiver of information required. No application for development shall be deemed complete by the Zoning Officer/Land Use Manager unless the items, information and/or documentation listed in the applicable checklist(s) are submitted. The Planning Board may waive submission of any required ~~exhibits~~ items, information, and/or documentation in appropriate cases and for specific site plans. Requests for such waivers shall accompany a site plan application, stating in writing the reasons why such waiver(s) is being requested.

Section 3. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 1, Site Plan Review, Article IV, Procedures for Site Plan Approval, Section 200-12, Sketch site plan review, is amended as follows. Added text is underlined, and text being eliminated is ~~struck-through~~.

§ 200-12 Sketch/Concept Plan site plan review

- A. Objectives of review. Applicants for preliminary approval are encouraged to submit for review by the board of jurisdiction sketch site plans for informal discussions and recommendations. The sketch site plan shall be reviewed to determine the proposal's compliance with applicable Township ordinances and the general site design concept, including: ~~use, location and bulk, building and improvements, density, open space, traffic and pedestrian patterns and other general design components.~~ The sketch site plan shall be to scale, but detailed dimensions need not be shown. Said sketch site plans shall be used as a basis for changes and redesign so as to avoid undue expense and delay in preparing more detailed plans and specifications in subsequent review stages. ~~The board of jurisdiction shall not be governed by any statutory time limits in its review of sketch site plans, and it is expressly understood that compliance with the board's recommendations shall not bind the board in subsequent deliberations of a formal site plan application.~~
- (1) The location of the property to be considered in relation to the surrounding area, within at least 500 feet of the property.
 - (2) The proposed use of the property.
 - (3) The proposed bulk standards and building improvements.
 - (4) The proposed density and/or floor area ratio.
 - (5) The proposed open space amenities.
 - (6) The proposed traffic and pedestrian patterns.
 - (7) The proposed stormwater management infrastructure.
 - (8) Potential environmentally restricted areas on and near 200 feet of the property.
 - (9) Other general design components.
- B. Sketch/Concept Plan ~~site plan~~ details. The sketch/concept plan ~~site plan~~ may be prepared by the applicant and shall contain sufficient information as outlined herein for discussion by the ~~Advisory Board~~ Technical Review Committee and the applicant.
- C. The sketch/concept plan shall be to scale, but detailed dimensions need not be shown.
- D. Said sketch site plans shall be used as a basis for changes and redesign so as to avoid undue expense and delay in preparing more detailed plans and specifications in subsequent review stages.
- E. The board of jurisdiction shall not be governed by any statutory time limits in its review of sketch site plans, and it is expressly understood that compliance with the board's recommendations shall not bind the board in subsequent deliberations of a formal site plan application.

Section 4. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 1, Site Plan Review, Article IV, Procedures for Site Plan Approval, Section 200-13, Preliminary site plan approval, Subsection C., Preliminary site plan details, is amended as follows. Added text is underlined, and text being eliminated is ~~struck through~~.

- (1) Locater map at a scale of one inch equals 2,000 square feet or larger scale, showing the lot and block number of the parcel in question and the lot and block numbers of adjacent and opposite properties. This map should also show any contiguous lot in which the applicant has any direct or indirect interest and the nature of the applicant's interest.
- (2) An aerial photo superimposed upon the plans with the tract boundaries outlined; also photographs of the property, where necessary, to show any unusual topographic, environmental or physical aspect of the site. This would include but not be limited to rock outcroppings, vegetation, natural drainageways, wetlands and existing structures and improvement.
- (3) A preliminary plan at a scale of one inch equals 50 feet or larger scale and any supplemental plans that are necessary to properly depict the project. In the case of a complex project, a scale other than one inch equals 50 feet may be submitted, provided that one copy of a photomechanical reduction to a scale of one inch equals 50 feet is submitted. The preliminary plan shall show at least the following information:
 - a. The North arrow, scale, graphic scale, date and notes and dated revisions.
 - b. The zoning district in which the parcel is located, together with the district boundaries included within the boundaries of the parcel or within 200 feet therefrom. All setback lines, landscape strips, landscape buffers, building heights and other bulk requirements shall be shown and dimensioned. Any deviation from requirements of this Part 1 shall be specifically shown.
 - c. The survey map, prepared by a licensed surveyor of New Jersey, showing boundaries of the properties, lines of all existing streets and roads, easements, rights-of-way and areas dedicated to public use within 200 feet of the development. These shall be dimensioned and, where applicable, referenced as to direction.
 - d. Reference to any existing or proposed deed restrictions or exceptions concerning all or any portion of the parcel. A copy of such covenants, deed restrictions or exceptions shall be submitted with the application. In order to demonstrate the lack thereof, a title search must be submitted with any application for Preliminary Major Site Plan.

- e. The existing and proposed contours, referred to North American Vertical Datum of 1988 (NAVD '88), and horizontal positioning based upon the North American Datum of 1983 (NAD '83) United States Coast and Geodetic Survey Datum, at a contour interval of not less than two feet. Existing contours are to be indicated by solid lines. Location of existing rock outcroppings, high points, watercourses and drainageways, depressions, ponds, marshes, vegetation, wooded areas and other significant existing features including previous flood elevations of watercourses, ponds and areas as determined by survey shall be shown. Trees of five inches or over in caliper shall be specifically located and identified. Any proposed change of such natural features shall be specifically noted.
- f. The location, size, elevation, slope and type of storm drainage structures and other utility structures, above- and below-grade, whether publicly or privately owned. Design calculations supporting the adequacy of proposed drainage structures and/or surface drainage shall be submitted. The site plan shall include existing ponds, streams and watercourses, as well as the designated greenbelt, if applicable. Where brook or stream channel improvements are proposed or required, the plans for such improvements shall be approved by the State Department of Environmental Protection, and the Mercer County Planning Board, where applicable.
- g. The location of all existing buildings, bridges, culverts, paving, lighting, signs or any other structures with grade elevations for each structure. Grade elevations may be established from use of a field survey, or Lidar information as published by the NJDEP or Mercer County, as available. ~~Township topographical maps.~~
- h. The distances measured along the right-of-way lines of existing streets abutting the property, to the nearest intersection with other streets.
- i. The proposed use or uses of the land, buildings and structures.
- j. The quantitative aspects of the proposal, such as improvement coverage, number of units, square feet of construction, value of construction, density, coverage, number of employees, number of residents and area of land, etc. Specifically identified on the site plan, in tabular form, shall be pertinent zoning data, indicating the bulk/area requirements of the zone in which the proposed development is located and how the proposed development responds to the zoning requirements.
- k. The proposed buildings and structures and any existing structures to remain, with dimensions, setbacks, heights (in feet and stories) and first floor or grade

elevations. Existing buildings and structures to be removed shall be indicated; sketch or typical building elevations indicating type of materials to be used.

- l. The location and designs of any off-street parking areas, bicycle parking, service, trash or loading areas, showing size and location of bays, aisles, barriers, planters, maneuvering areas and traffic patterns. Include manufacturer's cut or illustration depicting the type of bicycle parking facility proposed. Also provide the typical plan layout of the facility at an appropriate scale to determine the location from walkways and building lines.
- m. The means of vehicular access for ingress to and egress from the site, showing the proposed traffic channels, lanes and any other structure or device intended to control traffic.
- n. The location, design, dimensions and materials details in the form of construction documents for any on- or off-site pedestrian parks, walkways and bicycle pathways, open space, common open space, plazas, promenades and recreation areas or any other public uses.
- o. The location and design of all proposed utility structures and lines, stormwater drainage on-site and off-tract, with manholes, inlets, pipe sizes, grades, invert and directions of flow, as well as telephone, power and light, water hydrant locations, sewer and gas, whether publicly or privately owned. Where on-site sewage disposal systems and/or potable water wells are provided, these shall be located on the site plan, indicating the size of the system and the distance between the wells and septic fields.
- p. The location and design of the proposed screening, landscaping and planting, including a planting plan and schedule of plant materials.
- q. The location of all outdoor lighting (freestanding or on building), the size, nature of construction, lumens, heights, area and direction of illumination, footcandles produced, typical manufacturer cuts illustrating style and time controls proposed for outdoor lighting and display.
- r. The location and design of all signs, the size, nature of construction, height and orientation, including all identification signs, traffic and directional signs and arrows, freestanding and facade signs and time controls for sign lighting.
- s. The location and size of all proposed easements, rights-of-way, public areas to be dedicated to the public or to be restricted or defined by deed or any other arrangement. Also, the location of any Master Plan proposals indicating roadway, greenbelt, public area or facility shall be shown.
- t. A tabulation of a proposed building's perimeter that fronts on a public or private street or on a fire apparatus space, expressed in feet, as well as the

percentage of total building perimeter linear footage shall be indicated as part of site data information contained on a site plan.

- u. A map showing the property in relation to the surrounding area within a one-mile radius as measured from the center of the property.
- (4) All parts as required in the environmental impact statement, as requirement as set forth in Article V, § 200-23, of this Part 1 or a statement concerning such which does not apply.
- (5) Where applicable, the method by which any common or public open space or commonly held building or structure is to be owned and maintained.
- ~~(6) Where warranted, such other material deemed necessary by the Planning Board to evaluate the physical, fiscal or socioeconomic impact of the proposed development upon the Township.~~
- ~~(6)~~ A landscape plan, prepared by a New Jersey State certified or licensed landscape architect, at a minimum scale of one inch equals 50 feet or larger. Different graphic symbols shall be used to show the location and spacing of shade trees, ornamental trees, evergreen trees, shrubs and ground cover. The size of the symbol must be representative of the size of the plant and shown to scale. The plan shall:
 - (a) Illustrate the proposed site plan elements as they relate to existing structures and site amenities, including existing woodlands, isolated trees greater than five inches in caliper, existing topographic contours and any and all other natural environmental features.
 - (b) Show the intent, location and type of all existing and proposed landscaping and buffering.
 - (c) Conceptually indicate plant types and general construction materials to be used, as appropriate.
 - ~~(d) Superimpose an aerial photograph on the drawings, with the site boundaries outlined to evaluate the effects upon existing vegetation and surrounding land uses.~~
 - ~~(e) Provide on-site photographs of existing features and topography, as appropriate.~~
 - ~~(f)~~(d) Contain For any new tree planting, contain a planting schedule, including specific plant botanical and common names, sizes, root, spacing and comments.
 - ~~(g)~~(e) Indicate all existing vegetation to be saved or removed.

- ~~(h)~~(f) Show the location, form, height and width of other landscape architectural materials, such as berms, fences, walls, site furniture, bridges and walks. When required, a section to show the ~~effective height of a proposed berm or fence~~ effectiveness of landscape buffers in relation to the height of the area being screened from should be provided (i.e., center line of road to building).
- ~~(i)~~(g) Show all open space areas in adjacent developments on the project location map.
- (87) Soil survey map, prepared by a ~~professional~~ New Jersey State licensed professional engineer, to indicate the different types of soils that exist on the subject tract and within 200 feet of the extreme limits of the subject tract. This map shall be in conformance with the soil survey of Mercer County, New Jersey, published by the ~~United States Department of Agriculture~~ Natural Resources Conservation Service at <http://websoilsurvey.nrcs.usda.gov/app/>. Where wetlands exist on or within 200 feet of the extreme limits of the subject tract, as per N.J.A.C. 7:7A-1, the wetland's boundary shall be superimposed on the soil survey map.
- (98) If wetlands exist, as per N.J.A.C. ~~7:7A 7-1 et seq.~~ 7A-1 et seq., the Freshwater Wetlands Protection Act rules are to be complied with prior to the submission of plans to the Township. All areas of wetlands shall be depicted on plans ~~with surveyor's metes and bounds information for the outbounds of such areas~~ as field located by the applicant's professional land surveyor. A letter of interpretation issued by the New Jersey Department of Environmental Protection, Division of ~~Coastal Resources~~ Land Resource Protection, shall be submitted, indicating the presence or absence of freshwater wetlands on the parcel in question and any required transition areas.
- (9) ~~A landscape plan, prepared by a certified or licensed landscape architect, at a minimum scale of one inch equals 50 feet or larger, including a planting schedule indicating specific botanical and common plant names, sizes, root spacing and comments and indicating the location, form, height and width of other landscape architectural materials, such as berms, fences, walls, site furnishings, bridges and walks, when required or appropriate, an illustrative section drawing to show the effectiveness of landscape buffers.~~ Where warranted, an acoustical evaluation demonstrating future compliance with the regulations established by both the New Jersey Department of Environmental Protection (NJDEP) (N.J.A.C. 7:29 Noise Control) as may be amended and supplemented and the Township of West Windsor (Administrative Code Chapter 113) as may be amended and supplemented shall be completed and submitted by the applicant. At a minimum, such an evaluation shall identify the sources of expected sound to be generated by the proposed development to ensure that there will be no adverse impacts as related to noise. Those locations with a greater potential for exceedances shall provide anticipated noise levels

generated by the proposed development. An acoustical analysis to estimate the anticipated sound levels shall be required and appropriate abatement/mitigation be designed, if necessary.

If requested by the Township of West Windsor, an acoustical evaluation shall be completed and submitted by the applicant that demonstrates the potential impacts of noise on the proposed development from surrounding sources. Those locations with a greater potential for impacts shall provide the anticipated noise levels of the sources of sound expected to impact the proposed development. An acoustical analysis to estimate the anticipated sound levels that may impact the proposed development shall be required and appropriate abatement/mitigation be designed, if necessary.

- (~~11~~10) A traffic signage plan conforming to the requirements of § 200-91U of Part 3, Subdivision and Site Plan Procedures, of this chapter.
- (~~12~~11) A site development stormwater control plan meeting the requirements of § 200-104 for projects meeting the definition of major development in § 200-100.2 of Part 3,
- (12) Domestic water demand and wastewater generation rate estimates per N.J.A.C. 7:14A-23.3.
- (13) Submittal letters to any and all governmental agencies which may have jurisdiction, if any.
- (14) Where warranted, a Traffic Impact Study (TIS) shall be provided to include the study area critical intersection(s) and arterial analyses for three scenarios: Existing Base, Future Year No-Build and Future Year Build. The most recent ITE trip generation manual should be used to calculate the projected traffic demand for the proposed development. The traffic count data NOT older than three (3) years should be used for Base condition analysis. The TIS also should include the list of proposed geometric improvements at the critical study area intersections/arterials due to the addition of the subject development, where applicable.

The TIS shall also include data on truck traffic volume, a truck traffic circulation plan, and the impact of truck traffic movement on the adjacent public roadways originating from the project site, where applicable.

Section 5. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 1, Site Plan Review, Article IV, Procedures for Site Plan Approval, Section 200-14, Final site plan approval, Subsection C., Final site plan details, Item (1) is amended as follows. Added text is underlined, and text being eliminated is struck through.

- (1) The final site plan application technical materials shall include the following:

- (a) The approved preliminary site plan and a copy of the preliminary resolution of approval if applicable, together with all proposed additions, changes, or departures therefrom, if applicable.
- (b) Final construction documents, among other items, illustrating:
- [1] The final plans for site development and site improvement, including those construction details as may be specified at the time of preliminary approval.
 - [2] The ground floor or other floor plans sufficient to show pedestrian, vehicular and/or other access as it relates to the final site plan.
 - [3] The building elevation or typical elevations, including size, structure, materials, colors and textures.
 - [4] Elevations or typical illustrations of any accessory structures, signs or area visible to the general public.
 - [5] A final landscape plan, signed and sealed by a New Jersey State certified or licensed landscape architect, in the form of construction ~~drawings~~ documents and substantially conforming to the approved preliminary landscape plan. The landscape plan shall be prepared for upon separate halftone sheets of the engineer's grading engineered site plan with contour lines so that landscape details and grading are clearly shown and may be adequately reviewed. The plan shall include the location and detailed specifications for all landscape architectural improvements, including ~~paving details which conform to the Township detail standards, and for the irrigation and maintenance of all planting areas~~ pavements, structures, fences, decorative elements, and plantings, with construction details. The plan shall include specifications for the irrigation and maintenance of all planting areas. It shall show:
 - [a] Reverse frontage buffers and other important landscape areas at a minimum scale of one inch equals 30 feet or larger.
 - [b] The manner of irrigation of all nonresidential and high density residential sites.
 - [c] The location and identification of all existing street trees and/or all non-street trees 6 inches and greater in diameter at breast height, to be removed and preserved and what methods will be used to assure preservation during and after construction. Prior to any tree removal, the applicant will be required to receive approval of the board of jurisdiction, and a Township Zoning

Permit or Tree Removal Permit, including any planting mitigation or applicable additional application fees in accordance with the Township Tree Code (Chapter 170).

- [d] The existing and proposed topography by the use of one-foot contours for all land forms and berms in coordination with the final grading and drainage plans submitted by the project engineer.
 - [e] A planting schedule, including specific plant botanical and common names, sizes (caliper, height, and width), root (B&B or container size), spacing, and comments.
- [6] A traffic signage plan conforming to the requirements of 200-91U of Part 3, Subdivision and Site Plan Procedures, of this chapter.
- [7] A final landscape plan, signed and sealed by a certified or licensed landscape architect, in the form of construction documents and substantially conforming to the approved preliminary landscape plan. The landscape plan shall be prepared upon separate halftone sheets of the engineered site plan with contour lines so that landscape details and grading are clearly shown and may be adequately reviewed. It shall show:
- [a] ~~Reverse frontage buffers and other important landscape areas at a minimum scale of one inch equals 30 feet or larger.~~
 - [b] ~~The manner of irrigation of all nonresidential and high density residential sites.~~
 - [c] ~~All existing trees to be removed and preserved and what methods will be used to assure preservation during and after construction. Prior to any tree removal, the applicant will be required to receive approval of the board of jurisdiction or the Township Landscape Architect.~~
 - [d] ~~The existing and proposed topography by the use of one-foot contours for all land forms and berms in coordination with the final grading and drainage plans submitted by the project engineer.~~
 - [e] ~~A landscape management and maintenance schedule and agreement.~~
 - [f] ~~Planting details conforming to the standards set forth in § 200-91R(2) of Part 3, Subdivision and Site Plan Procedures, of this chapter.~~

(c) Where warranted, an acoustical evaluation demonstrating future compliance with the regulations established by both the New Jersey Department of Environmental Protection (NJDEP) (N.J.A.C. 7:29 Noise Control) as may be amended and supplemented and the Township of West Windsor (Administrative Code Chapter 113) as may be amended and supplemented shall be completed and submitted by the applicant. At a minimum, such an evaluation shall identify the sources of expected sound to be generated by the proposed development to ensure that there will be no adverse impacts as related to noise. Those locations with a greater potential for exceedances shall provide anticipated noise levels generated by the proposed development. An acoustical analysis to estimate the anticipated sound levels shall be required and appropriate abatement/mitigation be designed, if necessary.

If requested by the Township of West Windsor, an acoustical evaluation shall be completed and submitted by the applicant that demonstrates the potential impacts of noise on the proposed development from surrounding sources. Those locations with a greater potential for impacts shall provide the anticipated noise levels of the sources of sound expected to impact the proposed development. An acoustical analysis to estimate the anticipated sound levels that may impact the proposed development shall be required and appropriate abatement/mitigation be designed, if necessary.

(d) Domestic water demand and wastewater generation rate estimates per N.J.A.C. 7:14A-23.3.

(e) Submittal letters to any and all governmental agencies which may have jurisdiction, if any.

(f) Where warranted, a Traffic Impact Study (TIS) should be provided to include the study area critical intersection(s) and arterial analyses for three scenarios: Existing Base, Future Year No-Build and Future Year Build. The most recent Institute of Transportation Engineers (ITE) trip generation manual should be used to calculate the projected traffic demand for the proposed development. The traffic count data NOT older than three (3) years should be used for Base condition analysis. The TIS also should include the list of proposed geometric improvements at the critical study area intersections/arterials due to the addition of the subject development, where applicable.

The TIS shall also include data on truck traffic volume, a truck traffic circulation plan, and the impact of truck traffic movement on the adjacent public roadways originating from the project site, where applicable.

Section 6. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 1, Site Plan Review, Article IV, Procedures for Site Plan Approval, Section 200-15, Minor site plan

approval, Subsection C., Minor site plan details., is hereby amended as follows. Added text is underlined, and text being eliminated is ~~struck through~~.

- (1) Locator map at a scale of one inch equals 2,000 feet, or larger scale, showing the lot and block number of the parcel in question and the lot and block numbers of adjacent and opposite properties. This map should also show any contiguous lot in which the applicant has any direct or indirect interest and the nature of the applicant's interest.
- (2) A site plan at a scale of one inch equals 50 feet, or larger scale, and any supplemental plans that are necessary to properly depict the project. The minor site plan shall show the following information as appropriate to describe the proposed site modifications:
 - (a) North arrow, scale, graphic scale, date and notes and dated revisions.
 - (b) The zoning district in which the parcel is located, together with the district boundaries included within the boundaries of the parcel or within 200 feet therefrom. All setback lines, landscape strips, landscape buffers, building heights and other bulk requirements shall be shown and dimensioned. Any deviation from requirements of this Part 1 shall be specifically shown.
 - (c) Survey map, prepared by a licensed surveyor of New Jersey, showing boundaries of the properties, lines of all existing streets and roads, easements, rights-of-way, and areas dedicated to public use within 200 feet of the development. These shall be dimensioned and, where applicable, referenced as to direction.
 - (d) Reference to any existing or proposed deed restrictions or exceptions concerning all or any portion of the parcel. A copy of such covenants, deed restrictions or exceptions shall be submitted with the application. In order to demonstrate the lack thereof, a title search shall be submitted with any application for Minor Site Plan.
 - (e) The existing and proposed contours, ~~referred~~ referenced to North American Vertical Datum of 1988 (NAVD 88), and horizontal positioning based upon the North American Datum of 1983 (NAD '83) ~~United States Coast and Geodetic Survey Datum~~, at a contour interval of not less than two feet. Existing contours are to be indicated by solid lines. Any proposed change of on-site natural features (e.g., vegetation, wooded areas, watercourses, etc.) shall be specifically noted.
 - (f) The site plan shall include existing ponds, streams and watercourses as well as the designated greenbelt or wetlands as defined by N.J.A.C. 7:7A and Freshwater Wetlands Protection Act, if applicable. Any effects on existing drainage facilities resulting from the proposed site modifications shall be described.

- (g) The location of all existing buildings, bridges, culverts, paving, lighting, signs or any other structures with grade elevations for each structure in the area adjacent the proposed site modifications. Grade elevations may be established from use of Township topographical maps.
- (h) The distances measured along the right-of-way lines of existing streets abutting the property, to the nearest intersection with other streets.
- (i) The proposed modification(s) to the existing use or uses of the land, buildings and structures.
- (j) Specifically identified on the site plan, in tabular form, shall be pertinent zoning data indicating the bulk/area requirements of the zone in which the proposed development is located and how the proposed site modifications respond to the zoning requirements.
- (k) The location and size of all proposed easements, rights-of-way, public areas to be dedicated to the public or to be restricted or defined by deed or any other arrangement. Also, location of any Master Plan proposals indicating roadway, greenbelt, public area or facility shall be shown.
- (l) A tabulation of a proposed building's perimeter that fronts on a public or private street or on a fire apparatus space expressed in feet as well as percentage of total building perimeter linear footage shall be indicated as part of site data information contained on a site plan.
- (m) Location of all utilities, including gas, electric, water, sewer and CATV.

(3) Where warranted, an acoustical evaluation demonstrating future compliance with the regulations established by both the New Jersey Department of Environmental Protection (NJDEP) (N.J.A.C. 7:29 Noise Control) as may be amended and supplemented and the Township of West Windsor (Administrative Code Chapter 113) as may be amended and supplemented shall be completed and submitted by the applicant. At a minimum, such an evaluation shall identify the sources of expected sound to be generated by the proposed development to ensure that there will be no adverse impacts as related to noise. Those locations with a greater potential for exceedances shall provide anticipated noise levels generated by the proposed development. An acoustical analysis to estimate the anticipated sound levels shall be required and appropriate abatement/mitigation be designed, if necessary.

If requested by the Township of West Windsor, an acoustical evaluation shall be completed and submitted by the applicant that demonstrates the potential impacts of noise on the proposed development from surrounding sources. Those locations with a greater potential for impacts shall provide the anticipated noise levels of the sources of sound expected to impact the proposed development. An acoustical analysis to

estimate the anticipated sound levels that may impact the proposed development shall be required and appropriate abatement/mitigation be designed, if necessary.

- (4) Domestic water demand and wastewater generation rate estimates per N.J.A.C. 7:14A-23.3.
- (5) Submittal letters to any and all governmental agencies which may have jurisdiction, if any.
- (6) Where warranted, a Traffic Impact Study (TIS) should be provided to include the study area critical intersection(s) and arterial analyses for three scenarios: Existing Base, Future Year No-Build and Future Year Build. The most recent ITE trip generation manual should be used to calculate the projected traffic demand for the proposed development. The traffic count data NOT older than three (3) years should be used for Base condition analysis. The TIS also should include the list of proposed geometric improvements at the critical study area intersections/arterials due to the addition of the subject development, where applicable.

The TIS shall also include data on truck traffic volume, a truck traffic circulation plan, and the impact of truck traffic movement on the adjacent public roadways originating from the project site, where applicable.

Section 15. 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 16. 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:

REQUEST FOR COUNCIL ACTION

Date of Request: 3/26/2025

Initiated By: Samuel J. Surtees Division/Department: Comm. Dev./Land Use

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Introduction and subsequent adoption of an ordinance amending Article XI Procedures for Subdivision Approval; Sections 200-47; 49; 50; 53; 54 Subdivision Checklist requirements.

SOURCE OF FUNDING: NA

CONTRACT AMOUNT: NA

CONTRACT LENGTH: NA

OTHER SUPPORTING INFORMATION ATTACHED:

Ordinance Summary
Memorandum from Samuel J. Surtees dated 3/26/2025
Ordinance

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Samuel J. Surtees 3/26/25 Samuel J. Surtees
Department/Division Head Date

APPROVED FOR AGENDA OF: 4/7/2025 (INTRODUCTION)
5/19/2025 (PUBLIC HEARING)

By: Marlena Schmid 04/02/2025
Marlena Schmid, Business Administrator

MEETING DATE: 4/7/25 Ordinance # 2025-04 Resolution # _____


Council Action Taken:

TOWNSHIP OF WEST WINDSOR

Community Development Department

Division of Land Use

TO: Marlena Schmid, Business Administrator

FROM: Samuel J. Surtees 
Manager, Division of Land Use

SUBJECT: Subdivision/Site Plan Checklists Ordinances (2)

DATE: March 26, 2025

Attached, please find both the **Subdivision and Site Plan Checklist** draft ordinances for Township Council introduction and eventual adoption. The Planning Board conducted a work session at their March 5, 2025 meeting at which time, members of Township Council and the public were in attendance to hear the staff presentation and ask questions of both the board and staff. Several revisions to both draft ordinances were made to address both Township Council and public comments. The attached ordinances reflect those changes.

By way of background, the purpose of a site plan and subdivision checklist is to ensure that the board and public have enough information to reliably understand and review applications. These checklists also inform applicants of what will be expected of their submittal and presentations.

The last time the township comprehensively upgraded its site plan and subdivision checklist was approximately twenty (20) years ago. Subsequently, there have been changes, not only in Land Use Development patterns, but also in technology. Furthermore, on consideration of the MLUL's time of approval rule, it is essential to develop up-to-date and comprehensive checklists to ensure that there is no ambiguity regarding completeness of applications.

Staff respectfully request that these ordinances be introduced at the next available Township Council meeting after which time, they will be referred to the Planning Board for confirmation that they are in compliance with the township Master Plan.

If you have any questions please advise.

Thank you,

SJS/lk
C: SP/SD checklist ord files

ORDINANCE 2025-04

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

AN ORDINANCE AMENDING CHAPTER 200 LAND USE, PART 2, ARTICLE XI, THE PROCEDURES SET FORTH FOR SITE PLAN APPROVAL AND SUBDIVISION APPROVAL, SECTIONS 200-47, 49, 50, 53 AND 54 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF WEST WINDSOR

WHEREAS, N.J.S.A. 40:55D-10.5 of the Municipal Land Use Law (MLUL) was adopted by the State of New Jersey in 2010 to establish that those development regulations which are in effect on the date of submission of an application for development shall govern the review of that application for development and any decision made with regard to that application for development; and

WHEREAS, N.J.S.A. 40:55D-10.5 of the Municipal Land Use Law (MLUL) further specifies that any provisions of an ordinance, except those relating to health and public safety, that are adopted subsequent to the date of submission of an application for development, shall not be applicable to that application for development; and

WHEREAS, N.J.S.A. 40:55D-10.5, otherwise known as the “time of application” rule, abolished what was previously known as the “time of decision” rule which had favored municipalities during the hearing process by permitting any development regulation adopted by a municipality subsequent to the date of a submission of an application for development to be applicable to that application for development; and

WHEREAS, additional guidance was provided by the New Jersey Supreme Court in Dunbar Homes, Inc. v. Zoning Board of Adjustment of Franklin Township regarding the issue of completeness in applying the “time of application” rule; and

WHEREAS, the Township of West Windsor seeks to amend its subdivision and site plan checklists in order to more clearly delineate submittal requirements for the purposes of determining completeness.

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

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

Section 1. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 2, Subdivision Review, Article XI, Procedures for Subdivision Approval, Section 200-47, Requirements common to sketch, preliminary and/or final plat stages, is amended as follows. Added text is underlined, and text being eliminated is ~~struck through~~.

- (1) The title and location of the property.
- (2) The name and addresses of the landowner and applicant. If a corporation, limited liability company, or partnership is the landowner or applicant, the principal officer and name of the President and Secretary shall also be included.
- (3) The name, address and New Jersey State license number and seal of the professional preparing the documents and drawings. All plans, except those prepared at the sketch stage, shall be prepared, signed and sealed by a licensed land surveyor of the State of New Jersey.
- (4) ~~The~~ A place for the signature of the Chair and Secretary of the Planning Board and Health Officer (where septic systems and/or potable wells are proposed).
- (5) The date of the plan and date(s) of any modifications thereto.
- (6) The following legends shall be on the plat map:...
- (7) A legend indicating all symbols used. The applicable portions of the New Jersey Department of Transportation's Standard Legend shall be utilized.

Section 2. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 2, Subdivision Review, Article XI, Procedures for Subdivision Approval, Section 200-49, Compliance with other ordinances/waiver of information required, Subsection B. is amended as follows. Added text is underlined, and text being eliminated is ~~struck through~~.

- B. Waiver of information required. No application for development shall be deemed complete by the Zoning Officer/Land Use Manager unless the items, information, and/or documentation listed in the applicable checklists are submitted. The Planning Board may waive submission of any required ~~exhibits~~ items, information, and/or documentation in appropriate cases and for specific subdivision plats. Requests for such waivers shall accompany a subdivision application and state the reasons in writing why such waiver(s) is being requested.

Section 3. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 2, Subdivision Review, Article XI, Procedures for Subdivision Approval, Section 200-50, Sketch plats for minor or major subdivisions, Section C, Sketch plat details, is amended as follows.

Added text is underlined, and text being eliminated is ~~struck through~~.

- (1) All plats shall be based on accurate information at a scale of not more than one inch equals 100 feet to enable the entire tract to be shown on one sheet.
- (2) A location map showing the entire tract to be subdivided, giving the accurate location of all existing and proposed property and street lines, at a scale of one inch equals 1,000 feet, or larger scale, showing the entire subdivision and its relation to all features shown on the Official Map and Master Plan and located within ½ mile of the extreme limits to the subdivision, and the zoning classification of the proposed subdivision and of adjacent land.
- (3) The location of existing houses, buildings and other structures, with accurate dimensions from all existing and proposed lot lines, wooded areas and isolated trees more than five inches in diameter, and topography within the portion tract to be subdivided and as well as within 200 feet thereof, at twenty-foot, or smaller, contour intervals. (United States Geological Survey topographic quadrant map series are acceptable for topography at this stage, as is the latest aerial orthophotography or aerial imagery from the past two years, for locating adjacent buildings and driveways within 200 feet of the tract.)
- (4) The name of the owner, all adjoining property owners and those across existing or proposed streets as disclosed by the most recent Township tax records.
- (5) The tax map sheet, date of revision, block and lot numbers and zone district of the tract proposed to be subdivided.
- (6) Existing and proposed features.
 - (a) The location of existing or proposed streets, roads, easements, greenbelts, public rights-of-way, streams, bridges, culverts, drainage ditches and natural watercourses in and within 500 feet of the subdivision. Also, indicate all Township Master Plan proposals on-site or off-tract within 500 feet of the proposed subdivision.
 - (b) In assembling the required data, the applicant shall be required to rely only on existing information available ~~from the,~~ including the Township's Master Plan documents, natural resource inventory Natural Resource Inventory and engineering data available from the Township Engineer, as well as information available from other government agencies, such as NJDEP Bureau of Geographic Information Systems (GIS).

- (7) The ~~original existing~~ and proposed lot layout, lot dimensions, all required setback lines and the lot area of each lot in square feet and acreage. Lots shall be designated by letters for minor subdivisions and by consecutive numbers for major subdivisions until given official lot number designations by the Township Engineer.
- (8) As determined by the Health Officer, the location of all percolation tests, including those that failed, and soil logs conducted at the expenses of the applicant and approved by the Health Officer shall be shown on the plat.
- (9) As applicable, the date of original preparation and date of revision, if any, or plat, as well as the old name, if submitted previously under a different title.
- (10) A preliminary Environmental Impact Statement, as outlined in Part 1, Article V, § 200-23, of ~~this chapter~~ Chapter 200.
- (11) The acreage of the tract to be subdivided to nearest $\frac{1}{10}$ of an acre and, if an open space cluster, the ~~area~~ acreage of the open space.
- (12) ~~A concept landscape plan, prepared by a certified or licensed landscape architect, showing existing structure and existing woodlands, isolated trees greater than five inches in caliper, existing topographic contours and all other natural features. An~~ identification of existing woodlands and groupings of trees.
- (13) ~~An~~ recent aerial photograph from either the past two years or from the latest orthophotography from the New Jersey Office of GIS on the drawings with the site boundaries outlined, with a minimum 200-foot overlap, to evaluate the effects upon existing vegetation and surrounding land uses.
- (14) In the case of a minor subdivision if wetlands exist, as per N.J.A.C. 7:7A-1 et seq., the Freshwater Wetlands Protection Act, rules are to be complied with prior to submission of plans to the Township. All areas of wetlands shall be depicted on plans as field located by applicant's professional land surveyors metes and bounds information for the outbounds of such areas. ~~A letter of interpretation issued by the New Jersey Department of Environmental Protection, Division of Coastal Resources, shall be submitted indicating the presence or absence of freshwater wetlands on the parcel in question.~~
- (15) A letter of interpretation issued by the New Jersey Department of Environmental Protection, Division of ~~Coastal Resources~~ Land Resource Protection, shall be submitted indicating the presence or absence of freshwater wetlands on the parcel in question.
- (16) As a condition precedent to the application for a building permit, a proposed grading plan for each individual lot shall be submitted to the Township Engineer for review and approval. This plan shall include the proposed building footprint, finished first floor elevation and proposed ground elevations at the following locations: all lot

corners, all building corners and at vehicle entrance to a garage. The plan shall also show the proposed finished basement floor elevation, the existing groundwater elevation, the highest seasonally high groundwater elevation, the methods of determining both the existing groundwater elevation and the highest seasonally high groundwater elevation and by whom these determinations were made. Proposed contours at one-foot intervals shall be shown and shall include proposed grading over the septic system area, if applicable.

(17) ~~As-built grading plan.~~

(a) ~~As a condition precedent to the issuance of certificates of occupancy, pursuant to the State Uniform Construction Code, an as-built lot grading plan prepared by a land surveyor licensed in the State of New Jersey shall be submitted to the Construction Official and to the Township Engineer, bearing a certification that the lot grading complies with the proposed lot grading plan as approved or as amended and approved by the Township Engineer.~~

(b) ~~The as-built plan shall be prepared with contours of one-foot intervals and shall include the building footprint, finished first floor elevation and ground elevations at all lot corners, all building corners, vehicle entrance to a garage, drainage swale inverts between adjacent interrupted landscape berms, the top of the curb adjacent to property corners, the edge of Township-owned sidewalk adjacent to property corners and at the center of the driveway, inlet grate elevations (private and Township-owned) and all high points on the lot. The invert and surrounding ground elevation shall be shown for sanitary sewer clean-outs and for sump pump discharge line clean-outs. The plan shall also show the location of the septic system, lateral inverts, D-box outlet inverts and septic tank lid elevations, if applicable. All proposed ground elevations shown on the approved proposed grading plan shall be included on the as-built plan.~~

~~(18)~~(17) A concept stormwater control plan meeting the requirements of § 200-104 for projects meeting the definition of a major development in § 200-100.2 of Part 3, Subdivision and Site Plan Procedures, of this chapter.

Section 4. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 2, Subdivision Review, Article XI, Procedures for Subdivision Approval, Section 200-53, Preliminary plat approval for major subdivisions, Section C, Preliminary plat details, is amended as follows. Added text is underlined, and text being eliminated is ~~struck through~~.

(1) A key map at a scale not smaller than ~~one-inch~~ one-inch equals 1,000 feet, showing the relation of the portion to be subdivided to the entire tract and the relation of the entire tract to the neighborhood for at 1,000 feet beyond its boundaries. This map

should also show any contiguous lot in which the applicant has any direct or indirect interest and the nature of the applicant's interest.

- (2) The tract name, tax map sheet, block and lot number, date, reference meridian, graphic scale and the following names and addresses:
 - (a) The name and address of the record owner or owners.
 - (b) The name and address of the subdivider and, if a Limited Liability Company, partnership or corporation, names of all individuals having more than 10% ownership.
 - (c) The name and address of the person who prepared the plat.
 - (d) The names of adjacent and facing owners.
- (3) A survey map, prepared by a licensed surveyor of New Jersey, showing existing conditions and the boundaries of the tract to be subdivided, lines of all existing streets and roads, easements, rights-of-way and areas dedicated to public uses within 200 feet of the development, with tract size to the nearest 1/100 of an acre.
- (4) Contours. Existing and proposed contours at five-foot intervals for slopes averaging 10% or greater and at two-foot intervals for land of lesser slope shall be required. Contours shall be in the North American Vertical Datum of 1988 (NAVD 88), and horizontal positioning shall be based upon the North American Datum of 1983 (NAD '83). At least two permanent bench marks for each 50 acres, or portion thereof, shall be established on opposite ends of the proposed subdivision, and their locations, descriptions and elevations shall be noted on the preliminary plat. Existing contours shall be shown beyond the limits of the subject tract for a distance of at least 200 feet.
 - ~~(a) Existing and proposed contours at five-foot intervals for slopes averaging 10% or greater and at two-foot intervals for land of lesser slope shall be required. Contours shall be in the United States Coast and Geodetic Control Survey Datum. At least two permanent bench marks for each 50 acres or portion thereof shall be established on opposite ends of the proposed subdivision, and their locations, descriptions and elevations shall be noted on the preliminary plat. Existing contours shall be shown beyond the limits of the subject tract for a distance of at least 200 feet.~~
 - (b) For preliminary applications only the applicant may rely on existing topographic information on file in the Township Engineer's office, provided that there have been no major changes in the site's topography and that, if requested by the Township Engineer, specific portions of the site topography will be updated, if required, at the applicant's expense, to approve the project's stormwater control drainage plan.

- (5) The location of existing and required setback lines, proposed building footprints, streets within 200 feet of the subdivision; and the location of existing and proposed buildings, watercourses, floodplains, railroads, bridges, culverts, drainpipes, greenbelts and all natural features, such as wooded areas and rock formations. Also indicate all Township Master Plan proposals on-site and off-tract within 500 feet of the proposed subdivision.
- (6) When a public sewage disposal system is not available, the current rules, regulations and procedures of the Township shall be followed in submission of sufficient percolation test and soil log data that will enable the Health Officer to make a recommendation to the Township Planning Board. An adverse report by the Health Officer shall be deemed as sufficient grounds for the Planning Board to disapprove said subdivision or portion thereof. The Planning Board will not reconsider any subdivision or portion thereof so disapproved until the requirements of the Health Officer are met.
- (7) A copy of any protective covenants or deed restrictions applying to the land being subdivided shall be submitted with the preliminary plat. In order to demonstrate the lack thereof, a title search shall be submitted with any Preliminary Major Subdivision application.
- (8) Plans, and profiles and cross sections of proposed roadways showing proposed utility layouts (sanitary sewers, storm drains, water, gas, electric, detention basins, etc.) showing feasible connections to existing or proposed utility systems. Cross sections of streets shall be at 50-foot intervals and all street intersections as well as additional locations as may be required by the Township Engineer. Locations of fire hydrants and street lights shall be established with the aid of the Township Fire Protection Official and the Township Engineer, respectively.
- (9) The proposed names of all streets within the subdivision shall be shown and shall be subject to approval by the Planning Board Township Engineer in coordination with Police, Fire and Emergency Services and the US Postal Service.
- (10) Each block and lot shall be numbered in accordance with the system of numbers, which will ultimately be the numbers shown on the Township Tax Map. Lots shall be designated by consecutive numbers for major subdivisions until given official lot number designations by the Township Engineer.
- (11) A grading and drainage control plan shall be submitted, which shall show compliance with §200-101.2. Information shall include the existing contours and proposed contours at one-foot intervals, proposed finished grade elevations at street intersections and breaks in grade, spot elevations at high and low points, proposed rates of grades of streets, locations of drainage sub-basin limits, proposed method of block drainage, including proposed (down) slope arrows and all drainage systems and

structures, including sizes and invert and casting grate elevations. The plan shall be accompanied by a set of drainage computations certified by a New Jersey State licensed professional engineer. Where brook or stream channel improvements are proposed or required, the plans for such improvements shall be approved by the State Department of Environmental Protection ~~or~~ and the Mercer County Planning Board, where applicable.

- (a) A proposed grading plan for each individual lot shall be submitted to the Township Engineer for review and approval. This plan shall include the proposed building footprint, finished first floor elevation and proposed ground elevations at the following locations: at all lot corners, all building corners and at vehicle entrance to a garage. The plan shall also show the proposed finished basement floor elevation, the existing groundwater elevation, the highest seasonally high groundwater elevation, the methods of determining both the existing groundwater elevation and the highest seasonally high groundwater elevation and by whom these determinations were made. Proposed contours at one-foot intervals shall be shown. Proposed grading over the septic system area, if applicable, shall also be shown.
- (12) All proposed lot lines, dimensioned in feet and tenths, and the approximate area of all lots in square feet, as well as any open spaces proposed to be dedicated for public use.
- (13) When the development of the subdivision or improvements within the subdivision are contingent upon improvements outside the boundaries of said subdivision, information shall be supplied by the subdivider, prior to Planning Board consideration for preliminary approval, that the improvements outside the subdivision shall be installed and shall be available to the subdivider prior to the issuance of any certificate of occupancy for the project or phase of a project that is the subject of a development application.
- (14) Any open space proposed to be dedicated for public use or playgrounds or other public purpose and the location and use of all such property shall be shown on the plat.
- (15) When deemed necessary to determine the suitability of the soil to structurally support new construction, the Planning Board may require as a condition of ~~final~~ approval test ~~holes~~ pits or borings to be made by a New Jersey State licensed engineer or an approved geotechnical testing laboratory, at the expense of the subdivider and under the direction of the Township Engineer, prior to the commencement of construction.
- (16) A statement accompanying the preliminary plat indicating the type of structure(s) to be erected and the approximate date of construction start; a tentative phasing section plan for the entire subdivision indicating the estimated number of lots on which final approval will be requested for the first section.

- (17) A full or partial environmental impact statement, as may be required by the Planning Board ~~at the time of preliminary plat approval~~. Provide four completed copies of the Green Development Practices Checklist, as outlined in Part 1, Article V, § 200-23, of this chapter.
- (18) A soil survey map, prepared by a New Jersey State licensed professional engineer, to indicate the different types of soils that exist on the subject tract and within 200 feet of the extreme limits of the subject tract. This map shall be in conformance with the soil survey of Mercer County, New Jersey, published by the ~~United States Department of Agriculture~~ Natural Resources Conservation Service at <http://websoilsurvey.nrcs.usda.gov/app/>. Where wetlands exist on or within 200 feet of the extreme limits of the subject tract, as per N.J.A.C. 7:7A-1 et seq., the wetlands boundary shall be superimposed on the soil survey map.
- (19) If wetlands exist, as per N.J.A.C. 7-1 et seq. or 7A-1 et seq., Freshwater Wetlands Protection Act rules are to be complied with prior to submission of plans to the Township. ~~An area of All~~ All wetlands shall be depicted on plans ~~with as field located by the applicant's professional land surveyor's metes and bounds information for the out-bounds of such areas~~. A Letter of Interpretation (LOI) issued by the New Jersey Department of Environmental Protection, Division of ~~Coastal Resource Land Resource Protection~~, shall be submitted, indicating the presence or absence of freshwater wetlands on the parcel in question.
- (20) A landscape plan, prepared by a New Jersey State certified or licensed landscape architect, at a minimum scale of one inch equals 50 feet or larger, ~~illustrating the proposed site elements as they relate to existing structures and site amenities, including existing woodlands, isolated trees greater than five inch caliper, existing topographic contours and any and all other natural features; the intent, location and type of all existing and proposed landscaping and buffering; and the location, form, height and width of other landscape architectural materials such as berms, fences, walls, site furnishings, bridges and walks. Different graphic symbols shall be used to show the location and spacing of shade trees, ornamental trees, evergreen trees, shrubs and ground cover. The size of the symbol must be representative of the size of the plant and shown to scale. The plan shall:~~
- (a) Illustrate the proposed site plan elements as they relate to existing structures and site amenities, including existing woodlands, isolated trees greater than five inches in caliper, existing topographic contours and any and all other natural environmental features.
- (b) Show the intent, location, size, and type of all existing and proposed landscaping and buffering.

- (c) Conceptually indicate plant types and general construction materials to be used, as appropriate.
 - (d) For any new tree planting, contain a planting schedule, including specific plant botanical and common names, sizes, root, spacing and comments.
 - (e) Indicate all existing vegetation to be saved or removed.
 - (f) Show the location, form, height and width of other landscape architectural materials, such as berms, fences, walls, site furniture, bridges and walks. When required, a section to show the effectiveness of landscape buffers in relation to the height of the area being screened from should be provided (i.e., center line of road to building).
 - (g) Show all open space areas in adjacent developments on the project location map.
- (21) ~~An~~ recent aerial photograph from either the past two years or from the latest orthophotography from the New Jersey Office of GIS with the site boundaries outlined with a minimum 200-foot overlap to evaluate the effects upon existing vegetation and surrounding land use.
- (22) A traffic signage plan conforming to the requirements of § 200-91U of Part 3, Subdivision and Site Plan Procedures, of this chapter.
- ~~(23) A letter of interpretation issued by the New Jersey Department of Environmental Protection, Division of Coastal Resources, shall be submitted, indicating the presence or absence of freshwater wetlands on the parcel in question.~~
- ~~(24)~~(23) A site development stormwater control plan meeting the requirements of § 200-104 for projects meeting the definition of a major development in § 200-100.2 of Part 3, Subdivision and Site Plan Procedures, of this chapter.
- (24) Where warranted, an acoustical evaluation demonstrating future compliance with the regulations established by both the New Jersey Department of Environmental Protection (NJDEP) (N.J.A.C. 7:29 Noise Control) as may be amended and supplemented and the Township of West Windsor (Administrative Code Chapter 113) as may be amended and supplemented shall be completed and submitted by the applicant. At a minimum, such an evaluation shall identify the sources of expected sound to be generated by the proposed development to ensure that there will be no adverse impacts as related to noise. Those locations with a greater potential for exceedances shall provide anticipated noise levels generated by the proposed development. An acoustical analysis to estimate the anticipated sound levels shall be required and appropriate abatement/mitigation be designed, if necessary.

If requested by the Township of West Windsor, an acoustical evaluation shall be completed and submitted by the applicant that demonstrates the potential impacts of noise on the proposed development from surrounding sources. Those locations with a greater potential for impacts shall provide the anticipated noise levels of the sources of sound expected to impact the proposed development. An acoustical analysis to estimate the anticipated sound levels that may impact the proposed development shall be required and appropriate abatement/mitigation be designed, if necessary.

- (25) Where warranted, a Traffic Impact Study (TIS) should be provided to include the study area critical intersection(s) and arterial analyses for three scenarios: Existing Base, Future Year No-Build and Future Year Build. The most recent ITE trip generation manual should be used to calculate the projected traffic demand for the proposed development. The traffic count data NOT older than three (3) years should be used for Base condition analysis. The TIS also should include the list of proposed geometric improvements at the critical study area intersections/arterials due to the addition of the subject development, where applicable.

The TIS shall also include data on truck traffic volume, a truck traffic circulation plan, and the impact of truck traffic movement on the adjacent public roadways originating from the project site, where applicable.

- (26) Domestic water demand and wastewater generation rate estimates per N.J.A.C. 7:14A-23.3.
- (27) Submittal letters to any and all other governmental agencies which may have jurisdiction, if any.

Section 5. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 2, Subdivision Review, Article XI, Procedures for Subdivision Approval, Section 200-54, Final plat approval for major subdivisions, Section C, Final plat details, is amended as follows. Added text is underlined, and text being eliminated is struck through.

- (1) Date, name and location of the subdivision, name of owner, graphic scale and reference meridian.
- (2) Tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way, land reserved or dedicated to public use, all lot lines and other site lines, with accurate dimensions, bearings or deflection angles and radii, arcs and central angles of all curves.
- (3) The purpose of any easement or land reserved or dedicated to public use shall be designated, and the proposed use of sites other than residential shall be noted.
- (4) Each block and lot shall be numbered in accordance with the system of numbers, which will ultimately be the numbers shown on the Township Tax Map.

- (5) Location of all monuments, including greenbelt monuments, conforming with Township's standard design of same.
- (6) Names of owners of adjoining unsubdivided land.
- (7) Certification by a land surveyor licensed in the State of New Jersey as to the accuracy of the details of the plat.
- (8) Certification that the applicant is agent or owner of the land or that the owner has given consent under an option agreement.
- (9) When approval of a plat is required by any officer or body of such municipality, county or state, approval shall be certified on the plat.
- (10) Final construction plans, ~~and profiles~~ and cross sections of all proposed streets showing proposed utility layouts (sanitary sewers, storm drains, water, gas, electric, ~~detention basins~~ stormwater best management practices, etc.) showing connections to existing or proposed utility systems. ~~Cross sections of streets may be required by the Township Engineer.~~
- (11) Final drainage plan.
 - (a) A final drainage plan shall accompany the final plat. Such drainage plan shall show existing and proposed contours as required in § 200-53C, Preliminary plat details, and shall show the same information as required on the preliminary plat, with the addition that the individual lot grading shall be shown as follows: final grades shall be shown for each lot corner, all high and low points and breaks in grade and at the corners of tentative house locations and the center line of the driveway at the right-of-way and center of the garage doors. If it is intended to use drainage swales, the elevation of these swales shall be shown. Easements are required for all cross lot drainage where drainage from one lot crosses over a downslope property either in swales or underground piping.
 - (b) All swales carrying cross-lot drainage shall be constructed in easements that are to be provided for the purpose of cross-lot drainage. The intent is to have all stormwater runoff drain to the street or to drainage swales without crossing the property of an adjacent lot unless there is an easement provided for that purpose.
- (12) A soil erosion control plan and narrative shall accompany the final plat. Such soil erosion control plan shall show the same information as required on the final drainage plan and soil erosion control measures conforming with New Jersey Department of Agriculture, State Soil Conservation Committee "Standards for Soil Erosion and Sediment Control In New Jersey" latest edition ~~Article III, Soil Erosion and Sediment Control, of Chapter 143 of the Code of the Township of West Windsor.~~ The soil

erosion control plan and the final drainage plan may be combined as one plan and shall be submitted to the Mercer County Soil Conservation District for review and approval.

- (13) Proposed gGrading plan. If the proposed individual lot grading plan deviates from the approved subdivision final drainage plan, then an amended subdivision final drainage plan shall be submitted to the Township Engineer for review and approval.
- (14) A copy of the preliminary approval resolution, together with all proposed additions, changes or departures therefrom, if applicable, shall be submitted with the final plat application.
- (15) ~~A landscape plan, prepared by a certified or licensed landscape architect at a minimum scale of one inch equals 50 feet or larger, illustrating the proposed site elements as they relate to existing woodlands, isolated trees greater than five inch caliper, existing topographic contours and any and all existing and proposed landscaping and buffering and the location, berm, height and width of other landscape architectural materials such as berms, fences, walls, site furnishings, bridges and walks.~~ A final landscape plan, signed and sealed by a certified or licensed New Jersey landscape architect, in the form of construction documents and substantially conforming to the approved preliminary landscape plan. The landscape plan shall be prepared upon separate halftone sheets of the engineered site plan with contour lines so that landscape details and grading are clearly shown and may be adequately reviewed. The plan shall include the location and detailed specifications for all landscape architectural improvements, including pavements, structures, fences, decorative elements, and plantings, with construction details. The plan shall include specifications for the irrigation and maintenance of all planting areas. It shall show:
 - (a) Reverse frontage buffers and other important landscape areas at a minimum scale of one inch equals 30 feet or larger.
 - (b) The manner of irrigation of all nonresidential and high density residential sites.
 - (c) The location and identification of all existing street trees and/or all non-street trees 6 inches and greater in diameter at breast height, to be removed and preserved and what methods will be used to assure preservation during and after construction. Prior to any tree removal, the applicant will be required to receive approval of the board of jurisdiction, and a Township Zoning or Tree Removal Permit, including any planting mitigation or applicable additional application fees in accordance with the Township Tree Code (Chapter 170).
 - (d) The existing and proposed topography by the use of one-foot contours for all land forms and berms in coordination with the final grading and drainage plans submitted by the project engineer.

- (e) A planting schedule, including specific plant botanical and common names, sizes (caliper, height, and width), root (B&B or container size), spacing, and comments.
- (16) An aerial photograph from the past two years or the latest aerial orthophotography from the New Jersey Office of GIS with the site boundaries outlined to evaluate the existing vegetation and surrounding land uses.
- (17) A traffic signage plan conforming to the requirements of § 200-91U of Part 3, Subdivision and Site Plan Procedures, of this chapter.
- (18) ~~As-built lot grading plan.~~ The following requirements shall be noted on the final grading plans:
 - (a) As a condition precedent to the issuance of certificates of occupancy, pursuant to the State Uniform Construction Code, an as-built lot grading plan prepared by a land surveyor licensed in the State of New Jersey shall be submitted to the Construction Official and to the Township Engineer, bearing a certification that the lot grading complies with the proposed lot grading plan and the final drainage plan as approved or as amended and approved by the Township Engineer.
 - (b) The as-built plan shall be prepared with contours of one-foot intervals and shall include the building footprint, finished first floor elevation and ground elevations at all lot corners, all building corners, vehicle entrance to a garage (with plan showing a 1-1/2" lip at the garage entrance), drainage swale inverts between adjacent interrupted landscape berms, top of the curb adjacent to the property corners, edge of the Township-owned sidewalk adjacent to property corners and at the center of the driveway, inlet grate elevations (private and Township-owned) and all high points on the lot. The invert and surrounding ground elevation shall be shown for sanitary sewer clean-outs and for sump pump discharge line clean-outs. The plan shall also show the location of the septic system, lateral inverts, D-box outlet inverts and septic tank lid elevations, if applicable. All proposed ground elevations shown on the approved proposed grading plan shall be included on the as-built plan.
- (19) Where warranted, an acoustical evaluation demonstrating future compliance with the regulations established by both the New Jersey Department of Environmental Protection (NJDEP) (N.J.A.C. 7:29 Noise Control) as may be amended and supplemented and the Township of West Windsor (Administrative Code Chapter 113) as may be amended and supplemented shall be completed and submitted by the applicant. At a minimum, such an evaluation shall identify the sources of expected sound to be generated by the proposed development to ensure that there will be no adverse impacts as related to noise. Those locations with a greater potential for

exceedances shall provide anticipated noise levels generated by the proposed development. An acoustical analysis to estimate the anticipated sound levels shall be required and appropriate abatement/mitigation be designed, if necessary.

If requested by the Township of West Windsor, an acoustical evaluation shall be completed and submitted by the applicant that demonstrates the potential impacts of noise on the proposed development from surrounding sources. Those locations with a greater potential for impacts shall provide the anticipated noise levels of the sources of sound expected to impact the proposed development. An acoustical analysis to estimate the anticipated sound levels that may impact the proposed development shall be required and appropriate abatement/mitigation be designed, if necessary.

- (20) Domestic water demand and wastewater generation rate estimates per N.J.A.C. 7:14A-23.3.
- (21) Submittal letters to any and all governmental agencies which may have jurisdiction, if any.
- (22) Where warranted, a Traffic Impact Study (TIS) should be provided to include the study area critical intersection(s) and arterial analyses for three scenarios: Existing Base, Future Year No-Build and Future Year Build. The most recent ITE trip generation manual should be used to calculate the projected traffic demand for the proposed development. The traffic count data NOT older than three (3) years should be used for Base condition analysis. The TIS also should include the list of proposed geometric improvements at the critical study area intersections/arterials due to the addition of the subject development, where applicable.

The TIS shall also include data on truck traffic volume, a truck traffic circulation plan, and the impact of truck traffic movement on the adjacent public roadways originating from the project site, where applicable.

Section 6. 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 7. 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:

REQUEST FOR COUNCIL ACTION

INDICATE ACTION REQUESTED (check one):

Date of Request: March 26, 2025

- Ordinance**
- (X Summary attached)
- Resolution**
- (Backup documents complete)
- (Contracts require Affirmative Action Certificate)
- Item for Discussion** only

Initiated By: John V. Mauder, CFO Division of: Finance

ACTION REQUESTED: Prior to budget introduction, it is requested that Township Council introduce the attached ordinance authorizing a cost of living adjustment (COLA) of 3.5 percent and the re-establishment of cap banking.

EXECUTIVE SUMMARY: 2004 amendments to the cap law eliminated automatic cap banking. For 2025, municipalities are permitted to increase **appropriations** within cap by no more than 2.5 percent, unless action is taken by the governing body to increase the COLA for 2025 to 3.5 percent. The ordinance also permits the banking of any 2025 unappropriated balances for use in future budgets.

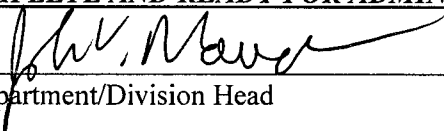
This ordinance must be approved by a majority of the full membership of the governing body.

OTHER SUPPORTING INFORMATION ATTACHED

Local Finance Notice 2024-15, dated 10/09/24, Memo, Current Fund-Appropriations sheet 19, CAP Calculation sheet 3b and CAP and Banking Ordinance Calculations Comparison

DISK & file name (OR) S:\AGENDA INBOX (file name Cap Ordinance 2025 _____

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW


3/25/25

 Department/Division Head Date

APPROVED FOR AGENDA OF: April 7, 2025


 By: Marlena A. Schmid, Business Administrator 04/02/2025

**** PLEASE NOTE ** DEADLINE FOR SUBMISSION TO THE CLERK'S OFFICE FOR REVIEW AND APPROVAL BY THE BUSINESS ADMINISTRATOR IS 10:00 A.M. ON THE FRIDAY ONE WEEK PRECEDING THE COUNCIL BUSINESS MEETING.**

MEETING DATE: 4/7/25 Ordinance # 2025-05 Resolution # _____

Council Action Taken:

Distributed:

TOWNSHIP OF WEST WINDSOR
Finance Division

MEMORANDUM

TO: Marlena A. Schmid, Business Administrator

FROM: John V. Mauder, Chief Financial Officer

SUBJECT: COLA Ordinance 2025

DATE: March 26, 2025

COLA Ordinance 2025-05 pertains to the Budget Appropriations CAP and serves as a financial planning tool for subsequent years' operating budgets. The Ordinance must be adopted prior to the adoption of the 2025 Municipal Budget.

The Director of the Division of Local Government Services has established that the 2025 budget shall be limited to a 2.5% CAP increase on the amount of the budget subject to CAP. Local Government Cap Law provides an increase to 3.5 percent by ordinance.

Adoption of this ordinance permits a \$382,647.61 increase in final appropriations and \$854,082.67 as a CAP Bank for the 2026 and/or 2027 budgets.

The proposed budget includes \$38,264,761.00 subject to CAP. (see Budget sheet 19)

See budget sheet 3b for the cap calculation.

The "1977" budget cap law (which caps APPROPRIATION increases and is separate from the tax levy cap), requires the DLGS Director to establish the Cost of Living Adjustment (COLA). The COLA established for Calendar Year 2025 municipal

budgets is 2.5%; therefore, municipalities can only increase their previous year's final appropriations by 2.5%, subject to certain exceptions, without utilizing the provisions in the COLA ordinance and prior year cap banking.

The COLA ordinance is a financial planning tool for subsequent years operating budgets that allows the Administration and Council to deal with budgetary pressures in accordance with statute.

Adoption of a COLA ordinance permits necessary increases to appropriations up to the statutorily permitted 3.5% and bank (for up to two years) any unused appropriation authority.

The vote to approve the COLA ordinance requires a separate action from the introduction and adoption of the annual budget. The vote on the municipal budget determines the amount of appropriations authorized to be spent in the fiscal calendar year.

If the Ordinance is not passed, Council cannot introduce the 2025 Budget.

ORDINANCE 2025-05

TOWNSHIP OF WEST WINDSOR

COUNTY OF MERCER

CALENDAR YEAR 2025

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND
TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5 percent unless authorized by ordinance to increase it to 3.5 percent over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5 percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Township Council of the Township of West Windsor in the County of Mercer finds it advisable to increase its CY 2025 budget by up to 3.5 percent over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Township Council hereby determines that a 1.0 percent increase in the budget for said year, amounting to \$382,647.61 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS the Township Council hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of West Windsor, in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2025 budget year, the final appropriations of the Township of West Windsor shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50 percent, amounting to \$1,339,266.64 and that the CY 2025 municipal budget for the Township of West Windsor be approved and adopted in accordance with this ordinance.

BE IT FURTHER ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction.

BE IT FURTHER ORDAINED, that a certified copy of this ordinance, upon adoption, with the recorded vote included thereon, is filed with said Director within 5 days after such adoption.

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

Introduction: April 7, 2025
Public Hearing: May 19, 2025
Adoption:
Mayor's Approval:
Effective Date:

CAP and Banking Ordinance Calculations Comparison										
	2015	2016	2018	2019	2020	2021	2022	2023	2024	2025
Amount on Which "CAP is Applied	26,487,344.75	26,820,406.75	28,313,232.00	29,124,862.75	29,763,927.81	30,473,807.00	31,953,546.00	32,896,831.00	36,310,391.23	38,264,761.00
CAP BASE ADJ:					263,000.00					
Amount on Which "CAP is Applied					30,026,927.81	30,473,807.00	31,953,546.00	32,896,831.00	36,310,391.23	38,264,761.00
Add:										
2011 "CAP" Bank										
2012 "CAP" Bank										
2013 "CAP" Bank	1,197,381.40									
2014 "CAP" Bank	0.00	0.00								
2015 "CAP" Bank		0.00	0.00							
2016 "CAP" Bank			511,671.49							
2017 "CAP" Bank			822,207.45	822,207.45						
2018 "CAP" Bank				283,132.32	283,132.32					
2019 "CAP" Bank					449,480.80	449,480.80				
2020 "CAP" Bank						516,306.76				
2021 "CAP" Bank							493,582.16	493,582.16		
2022 "CAP" Bank								319,535.46		
2023 "CAP" Bank									9,240.35	
2024 "CAP" Bank										98,427.06
2013 "CAP" - 2.0%										
2014 "CAP" - 0.5%										
2015 "CAP" - 1.5%	397,310.17									
2016 "CAP" - 0.0%		0.00								
2017 "CAP" - 0.5%										
2018 "CAP" - 2.5%			707,830.80							
2019 "CAP" - 2.5%				728,121.57						
2020 "CAP" - 2.5%					750,673.20					
2021 "CAP" - 1.0%						304,738.07				
2022 "CAP" - 2.5%							798,838.65			
2023 "CAP" - 2.5%								822,420.78		
2024 "CAP" - 2.5%									907,759.78	
2025 "CAP" - 2.5%										956,619.03
COLA RATE ORDINANCE (up to 3.5%)	529,746.90	938,714.24	283,132.32	291,248.63	300,269.28	761,845.18	319,535.46	328,968.31	363,103.91	382,647.61
Assessor's Certified Additions for New Construction	102,000.74	79,169.87	14,136.40	69,175.66	184,448.48	36,931.02	48,465.68	252,611.87	649,645.79	1,039,633.98
Allowable Operating Appropriations within "CAP"	28,713,783.96	27,838,290.86	30,652,210.46	31,318,748.38	31,994,931.89	32,543,108.83	33,613,967.95	35,113,949.58	38,240,141.06	40,742,088.68
Total Operating Appropriations within "CAP"	26,820,406.75	27,406,914.75	29,124,862.75	29,763,927.81	30,742,512.00	31,953,545.92	32,896,831.00	35,104,709.23	38,100,495.00	39,888,006.00
Annual Increase in Appropriations within "CAP"	333,062.00	586,508.00	811,631.00	639,065.06	978,584.19	1,211,033.92	943,285.08	2,207,878.23	2,995,785.77	1,787,511.00
Total Operating Appropriations within "CAP" Less Total Allowable Operating Appropriations within "CAP" - Over or (Under) Appropriations Cap										-854,082.68

EXPLANATORY STATEMENT - (Continued)

BUDGET MESSAGE

<u>CAP CALCULATION</u>		<u>CAP CALCULATION</u>	
Total General Appropriations for 2024	50,270,124.30	Allowable Operating Appropriations before	
Cap Base Adjustment:	164,266.00	Additional Exceptions per (N.J.S.A. 40A:4-45.3)	39,221,380.03
Subtotal	<u>50,434,390.30</u>		
Exceptions Less:		Additions:	
Total Other Operations	3,904,829.00	New Construction (Assessor Certification)	1,039,633.98
Total Uniform Construction Code		2023 Cap Bank Available	
Total Interlocal Service Agreement	1,517,726.00	2024 Cap Bank Available	98,427.06
Total Additional Appropriations			
Total Capital Improvements	450,000.00		
Total Debt Service	4,295,075.00		
Transferred to Board of Education		Total Additions	<u>1,138,061.04</u>
Type I School Debt			
Total Public & Private Programs	83,199.41	Maximum Appropriations within "CAPS" Sheet 19 @ 2.5%	<u>40,359,441.07</u>
Judgements			
Total Deferred Charges			
Cash Deficit		Additional Increase to COLA rate. 3.5%	
Reserve for Uncollected Taxes	1,918,799.89	Amount of Increase allowable. 1.0%	<u>382,647.61</u>
Total Exceptions	<u>12,169,629.30</u>		
Amount on Which CAP is Applied	38,264,761.00	Maximum Appropriations within "CAPS" Sheet 19 @ 3.5%	<u>40,742,088.68</u>
2.5% CAP	<u>956,619.03</u>		
Allowable Operating Appropriations before		Total General Appropriations for Municipal Purposes	<u>39,888,006.00</u>
Additional Exceptions per (N.J.S.A. 40A:4-45.3)	39,221,380.03	(Sheet 19, H-1)	
		Over or (Under) Appropriations Cap	<u>(854,082.67)</u>

NOTE:

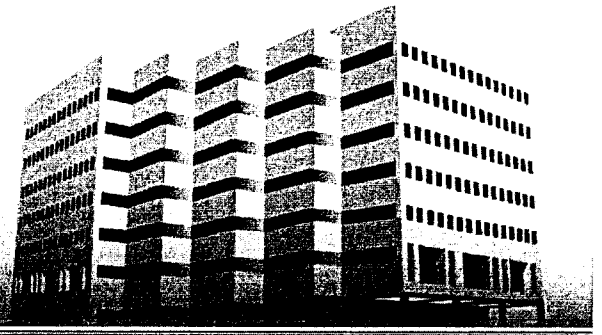
Sheet 3b

MANDATORY MINIMUM BUDGET MESSAGE MUST INCLUDE A SUMMARY OF:

1. HOW THE "CAP" WAS CALCULATED. (Explain in words what the "CAPS" mean and show the figures.)
2. A SUMMARY BY FUNCTION OF THE APPROPRIATIONS THAT ARE SPREAD AMONG MORE THAN ONE OFFICIAL LINE ITEM (e.g. if Police S & W appears in the regular section and also under "Operation Excluded from "CAPS" section, combine the figures for purposes of citizen understanding.)

**DIVISION OF
LOCAL GOVERNMENT
SERVICES**

Local Finance Notice



LFN 2024-15

October 9, 2024



Philip D. Murphy
Governor

Tahesha L. Way
Lieutenant Governor

Jacquelyn A. Suárez
*Commissioner
& Director*

Contact

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08625-0803

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CFOs
Municipal Clerks
Clerks – Boards of County
Commissioners
Administrators/Managers
Auditors

**Calendar Year 2025
Municipal & County Budget Cap Information**

This Local Finance Notice addresses issues related to CY 2025 Municipal and County Budgets and the 1977 and 2010 cap laws. It includes information on the 1977 cap law Cost of Living Adjustment (COLA, formerly called Index Rate) and the use of the COLA ordinance (resolution) and Group Health Insurance increase thresholds.

Cost of Living Cap Adjustment

An annual COLA is authorized under the original 1977 budget cap law, currently reflected as N.J.S.A. 40A:4-45.1a. Current law affecting municipal and county budgets requires compliance with both the 1977 cap law and the 2010 levy cap law.

Under the 1977 cap law, the Director of the Division of Local Government Services must promulgate the COLA, which is based on the Implicit Price Deflator for State and Local Governments calculated by the U.S. Department of Commerce, Bureau of Economic Analysis.

The COLA for CY 2025 budgets is **two and one-half percent (2.5%)**. Pursuant to N.J.S.A. 40A:4-45.2, "municipalities and counties shall be prohibited from increasing their final appropriations by more than 2.5%..." unless action is taken by the governing body to increase their final appropriations subject to the cap to the statutorily permitted three and a half percent (3.5%). In the case of counties, the increase applies to the property tax levy, not final appropriations.

The automatic increase to the 1977 cap law base is 2.5%, which is the statutory maximum, except that the governing body may pass a COLA ordinance increasing the cap base by 3.5%. A municipality may by ordinance, or a county by resolution, increase the COLA percentage up to 3.5% [N.J.S.A. 40A:4-45.14(b)] or bank (for up to two years) the difference between its final appropriation subject to the cap and 3.5%. Cap banking is not automatic. A single ordinance or resolution can be used to accomplish both increasing appropriations and banking any unappropriated balance.

Cap bank balances from 2023 and 2024 are available for use in 2025. Once complete, the cap calculations for 2025 will be posted in FAST under the 2025 Introduced Budget in your portal as well as the 2024 levy cap master file.

Using the Allowable Percentage Increase

If a governing body wants to increase its allowable percentage increase in its budget up to 3.5%, the following steps must be taken:

1. After January 1st, and prior to introduction and approval of the budget, an ordinance (resolution for counties) must be introduced that details the following:
 - a. The new rate (increase percent) to be adopted; and,
 - b. The additional amount of appropriations to be added by the increase.
2. The ordinance (resolution) must be approved by a majority of the full membership of the governing body, published, and a public hearing held at least 10 days after the publication date. A certified copy of the introduced action must be filed with the Director of the Division of Local Government Services within five (5) days of its introduction.
3. The governing body may take a final vote on the action any time after the public hearing and prior to adoption of the budget. Depending on the form of government, the chief executive may veto the action in accordance with local procedures.
4. The ordinance (resolution) takes effect immediately upon passage, and a certified copy of the adopted action must be filed with the Director within five (5) days.

Cap increase referendums are not permitted if this option is chosen.

Group Health Insurance Exclusion

The 1977 cap law includes a cap exception for Group Health Insurance (N.J.S.A. 40A:4-45.3e). This exception is limited to the amount appropriated that is over 4% of the previous year's expenditures, but that does not exceed the State Health Benefits percentage increase. As the State Health Benefits percentage increase for CY 2025 calculations is 16.4%, the 1977 cap exception for Group Health Insurance for CY 2025 is 12.4%. The amount that is excluded from the 1977 cap will be appropriated on sheet 20.

The 2010 levy cap Group Health Insurance exclusion is for increases over 2%. For the 2010 levy cap calculation, the Group Health Insurance exclusion is based on the same 16.4% increase, resulting in a maximum exclusion of 14.4% for the CY 2025 levy cap calculation.

Both amounts are calculated in the levy cap workbook. Please use the amount from the correct workbook line for the **appropriation** cap exclusion - featured on the Health Care tab. The amount is listed on line 34, Item 5. under Section C. The levy cap exclusion is automatically added on the workbook summary page.

One-year appropriation cap exclusions for 2024 have been approved by the Local Finance Board for the following appropriations, which will be added to the appropriation cap base for 2025:

Garbage and Trash Removal and Disposal, Recycling, Liability Insurance and Worker’s Compensation Insurance. Municipalities that appropriated correct amounts outside cap for the aforementioned purposes on sheet 20 of the budget will be allowed to add the 2024 appropriation to the 2025 cap base. Appropriation cap amounts added for these exclusions may have been adjusted due to errors made to local examination cap calculations.

If you have any questions regarding this information, please e-mail dlgs@dca.nj.gov or call the Bureau of Financial Regulation and Assistance at (609) 930-1994.

Approved: Jacquelyn A. Suárez, Commissioner & Director

Document	Internet Address
Municipal Budget COLA Increase Ordinance	https://www.nj.gov/dca/dlgs/programs/mc_budgets.shtml
2025 SHBP Local Govt. Employee Group Rate Setting Recommendation Report	https://www.nj.gov/treasury/pensions/documents/hb/rate-renewal/py2025-rate-setting-analysis-local.pdf

**MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the *(insert the name of the governing body)* of the *(insert the name of the municipality)* in the County of *(insert the name of the county)* finds it advisable and necessary to increase its CY 2025 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the *(insert the name of the governing body)* hereby determines that a *(insert the rate of increase)* % increase in the budget for said year, amounting to \$ *(insert the dollar amount increase)* in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the *(insert the name of the governing body)* hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the *(insert the name of the governing body)* of the *(insert the name of the municipality)*, in the County of *(insert the name of the County)*, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2025 budget year, the final appropriations of the *(insert the name of the municipality)* shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by *(insert the rate increase)* %, amounting to \$ *(insert the dollar amount increase)*, and that the CY 2025 municipal budget for the *(insert the name of the municipality)* be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.