SRI International

Area in Need of Redevelopment Study

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Township of West Windsor | Mercer County, New Jersey





Community Planning
Land Development and Design
Landscape Architecture

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Area in Need of Redevelopment Study

Township of West Windsor
Mercer County, New Jersey

Prepared for the Township of West Windsor Planning Board

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The original document was appropriately signed and sealed on ______ in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners

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Introduction

On November 22, 2021, the West Windsor Township Council authorized the Township Planning Board to conduct a preliminary investigation to determine if an approximately 150-acre portion of the property identified by municipal tax records as Block 5 Lot 8.05 (herein referred to as the "Study Area") constitutes an "Area in Need of Redevelopment" under the New Jersey Local Redevelopment and Housing Law (LRHL). The Planning Board subsequently directed Burgis Associates, Inc. to prepare the planning analysis contained herein for its review and subsequent recommendation to the Township Council.

As identified in the Township Council's authorizing Resolution 2021-R203 (See Appendix A), the Study Area encompasses a 150-acre portion of Block 5 Lot 8.05 which contains the SRI International research institute. The remaining 100-acre balance of Block 5 Lot 8.05 was previously identified as an Area in Need of Redevelopment and is presently located in the RP-1 and RP-10 Princeton Junction Redevelopment Plan Districts.

Resolution 2021-R203 further declares that the preliminary investigation of the Study Area shall be undertaken within the context of a "non-condemnation" redevelopment procedure. That is, if the Study Area or a portion thereof is determined to be an Area in Need of Redevelopment pursuant to the LRHL, it would be designated as a "Non-Condemnation Redevelopment Area." Such a designation would authorize the Township to use all those powers provided by the Legislature for use in a redevelopment area, excluding eminent domain.

Accordingly, the following report examines whether the Study Area qualifies as an Area in Need of Redevelopment pursuant to the requirements and criteria set forth by the LRHL. It is based upon: an examination of the Study Area's existing development pattern; site inspections; a review of historical data; an analysis of its environmental constraints; an assessment of the Study Area's surrounding development pattern; a review of the Township's master plan goals, objectives, policy statements, and land use recommendations; a review of the Study Area's zoning provisions; and an evaluation of the statutory "Area in Need of Redevelopment" criteria.

Ultimately, this report finds that the Study Area displays characteristics which satisfy the redevelopment statutory criteria and consequently justifies its designation as a Non-Condemnation Redevelopment Area.

This study is divided into the following sections:

1. <u>Section 1: LRHL Background</u>

The first section discusses the background of the LRHL, the redevelopment process, and the statutory criteria for determining whether a site qualifies as an Area in Need of Redevelopment.

2. Section 2: Study Area

The next section provides an overview of the Study Area. It includes an analysis of its existing land use pattern, development history, environmental constraints, and surrounding development.

3. Section 3: Township Master Planning Documents

Section 3 discusses the relationship between the Township's master planning documents and the Study Area.

4. Section 4: Existing Zoning

Next, Section 4 discusses the existing zoning of the Study Area.

5. <u>Section 5: Compliance with the Statutory Criteria</u>

The fifth section analyzes how the Study Area relates to the LRHL statutory criteria.

6. <u>Section6: Planning Conclusions and Recommendations</u>

Finally, Section 6 offers the study's planning conclusions and recommendations.

Section 1: LRHL Background

In 1992, the New Jersey Legislature enacted a new statute which revised and consolidated the State's various redevelopment statutes. Known as the Local Redevelopment and Housing Law (LRHL), this new statute rescinded a number of prior redevelopment statutes and replaced them with a single comprehensive statute governing local redevelopment activities throughout the State.

Ultimately, the LRHL was designed by the State Legislature to assist municipalities in the process of redevelopment and rehabilitation. As explained by the Legislature in the preamble to the LRHL:

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

The LRHL provides the statutory authority for municipalities to engage in a number of redevelopment activities, including: designating an "Area in Need of Redevelopment" or "Area in Need of Rehabilitation"; preparing and adopting redevelopment plans; and implementing redevelopment projects. Essentially, the LRHL is a planning and financing tool that allows an area to be overlain with specific zoning and other incentives to stimulate its redevelopment or rehabilitation.

More specifically, a redevelopment designation allows a municipality at its discretion to:

- 1. Adopt a redevelopment plan that will identify the manner in which an area will be developed, including its use and intensity of use;
- 2. Issue bonds for the purpose of redevelopment;
- 3. Acquire property through eminent domain;
- 4. Lease or convey property without having to go through the public bidding process;
- 5. Collect revenue from a selected developer; and/or
- 6. Grant tax exemptions and abatements.

1.1: Redevelopment Process

As outlined by the LRHL, the first step of the redevelopment process is for the governing body to direct the planning board to undertake a preliminary investigation to determine whether an area is in need of redevelopment. At the outset of this process, the governing body must also indicate whether it is seeking to designate the area as a "Non-Condemnation Redevelopment Area" or a "Condemnation Redevelopment Area." Pursuant to the resolution adopted on November 22, 2021, the West Winsor Township Council initiated this process as a "Non-Condemnation" Study Area (see Appendix A).

An area qualifies as being in need of redevelopment if it meets at least one (1) of the eight (8) statutory criteria listed under Section 5 of the LRHL. These criteria, which are described later in this section, are the same regardless of whether a governing body seeks to designate a study area as a "Non-Condemnation Redevelopment Area" or a "Condemnation Redevelopment Area."

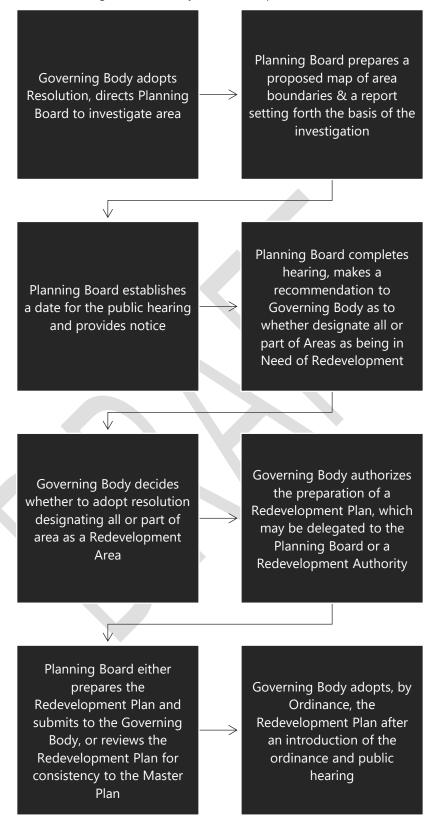
The statute also specifically establishes that a redevelopment area may include lands which of themselves are not detrimental to the public health, safety, or welfare, provided that the inclusion of those lands is necessary for the effective redevelopment of the area.

After it conducts its investigation, the planning board must hold a public hearing on the proposed redevelopment area designation. Based on the planning board's recommendation, the governing body may designate all or a portion of the area as an "Area in Need of Redevelopment." The governing body will then prepare a redevelopment plan for the area, or alternatively will direct the planning board to prepare such a plan.

Following the adoption of the redevelopment plan, the governing body or another public agency/authority designated by the governing body as the "redevelopment entity" will oversee the implementation of the redevelopment plan. This redevelopment entity is responsible for selecting a redeveloper to undertake the redevelopment project which implements the plan.

In summary, the LRHL essentially establishes a two-step process in which a site is designated as an Area of Need of Redevelopment (Step 1), and a plan is prepared based on that designation (Step 2). The accompanying figure provides a summary of this process, beginning with the adoption of a resolution by the governing body and ending with the preparation and adoption of a redevelopment plan.

Figure 1: Summary of Redevelopment Process



1.2: Area in Need of Redevelopment Statutory Criteria

The LRHL establishes eight (8) statutory criteria to determine if an area qualifies as being in need of redevelopment. The statute provides that a delineated area may be determined to be in need of redevelopment if "after investigation, notice and hearing...the governing body of the municipality by resolution concludes that within the delineated area" any one (1) of the eight (8) criteria are present.

The redevelopment criteria area as follows:

1. The "a" Criterion:
Deterioration

The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.

2. The "b" Criterion:
Abandoned
Commercial and
Industrial Buildings

The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenantable.

 The "c" Criterion: Public and Vacant Land Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.

4. The "d" Criterion:
Obsolete Layout and
Design

Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

The "e" Criterion:
 Property Ownership and Title Issues

A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.

6. The "f" Criterion: Fire and Natural Disasters Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.

7. The "g" Criterion: Urban Enterprise Zones

In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zone Act," the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment

8. The "h" Criterion: Smart Growth Consistency

The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

In regard to the "h" criterion, there are ten (10) principles of smart growth. These principles are established as follows:

- 1. Mix of land uses
- 2. Take advantage of compact design
- 3. Create a range of housing opportunities and choice
- 4. Create walkable neighborhoods
- 5. Foster distinctive, attractive communities with a strong sense of place
- 6. Preserve open space, farmland, natural beauty, and critical environmental areas
- 7. Direct development toward existing communities
- 8. Provide a variety of transportation choices
- 9. Make development decisions predictable, fair, and cost effective
- 10. Encourage community and stakeholder collaboration in development decisions

Section 2: Study Area

The following section provides a general overview of the Study Area, including: an analysis of its existing and historical levels of development; assessment values; environmental constraints; and surrounding land uses.

2.1: Study Area Overview

As shown in Map 1 in Appendix B, the Study Area is located in the northwesterly portion of the Township, to the east of US Route 1. The Study Area encompasses an approximately 150-acre portion of Block 5 Lot 8.05. It is irregularly shaped, and fronts along Fisher Place for approximately 3,400 feet and abuts the Millstone River.

2.2: Existing Development

The Study Area is developed with the SRI International research center. As detailed in Section 2.4 of this report, the facility was first constructed in 1942. Known as the David Sarnoff Research Center, it was the site of several historic developments including television, CMOS integrated technology, and electron microscopy.

Today, the facility consists of a number of research and support buildings comprising approximately 621,251 square feet of floor area. Access to the facility is provided by two principal driveways: one which extends through adjoining Block 5 Lot 8.04 and connects to US Route 1 North; and one which connects to Fairview Avenue. Two main parking areas are also located on site, as well as a helistop.

See Map 2 in Appendix B for an aerial overview of the Study Area.

2.3: Assessment Values

The accompanying figure provides the land and improvement value of Block 5 Lot 8.05. This information was obtained from online Mod IV tax records which are publicly available from the New Jersey Department of the Treasury's Division of Taxation. As shown, the lot has a total assessed value of \$14,799,800. This consists of a land value of \$8,799,800 and an improvement value of \$6,000,000.

\$6,000,000 \$8,799,800

Land Value Improvement Value

2.4: Development History

As previously noted, the Study Area is presently developed with the SRI international research center. The facility was first constructed in 1942, with several additions, renovations and newer buildings constructed since that time. The development history of the site is summarized in the following table. See Map 3 through Map 7 in Appendix B for historic aerials of the site which illustrate its various levels of development throughout the years.

Table 1: Development History

Year	Description	Square Feet
1942	Original Buildings	172,794
1945	Addition to Lab #2	1,600
1947	Building #3	13,610
1948	Cafeteria Addition	3,200
1948	West Wing Extension	32,000
1950	Model Shop Extension	18,300
1950	North Wing	18,400
1950	Garage (Hitek)	9,620
1951	Tempressure Lab	540
1953	East Wing Extension	13,600
1955	1 st Addition to Building #3	31,350
1955	1st Addition to Steam Plant	850
1956	Library and Demonstration wing	64,400
1956	2 nd Addition to Building #3	25,840
1961	Storage Building	9,130
1962	Northeast Wing Phase I	33,500
1962	Refrigeration Building	800
1962	2 nd Addition to Steam Plant	925
1963	Computer Wing	3,150
1963	1st Addition to Refrigerator Building	832
1964	Addition to Storage Building	9,130
1964	Southwest Wing Phase I	38,550
1966	Southwest Wing Phase II	51,688
1966	Exhibit Facility	7,110
1966	2 nd Addition to Refrigerator Building	2,021
1966	Drafting room Addition	2,408
1966	Grounds Maintenance Building	4,800
1967	Northwest Extension	8,820
1968	3 rd Addition to Steam Plant	988
1969	Northeast Wing Phase II	27,830
1969	3 rd Addition to Refrigeration Building	1,118
1980	North and South Additions to Lab #2	6,250
1980	Building #4	1,775
1988	Gas Cylinder Storage Building	2,122
1999	Garage Addition (Hitek)	2,200
Total		621,251

2.5: Environmental Constraints

The Millstone River extends along the northeasterly boundary line of the Study Area. Several environmental constraints are associated with this waterbody. These include wetlands as identified by the New Jersey Department of Environmental Protection (NJDEP) as well as high risk (one percent chance of flooding) and low-to-moderate risk (0.2 percent chance of flooding) flood hazard areas as identified by the Federal Emergency Management Agency (FEMA). These constraints are largely located in the non-disturbed portions of the Study Area.

In addition to the aforementioned, the Study Area is also identified on the NJDEP's Known Contaminated Sites List (KCSL). The KCSL includes those sites and properties within the state where contamination of soil or groundwater has been confirmed at levels equal to or greater than applicable standards. As noted by the KCSL, the Study Area has an active ongoing remediation program overseen by a Licensed Site Remediation Professional (LSRP). Contaminants consist of fuel oil and synthetic organic chemicals (non-carcinogenic).

See Map 8 in Appendix B for an overview of the Study Area's environmental constraints.

2.6: Surrounding Land Uses

Surrounding land uses are varied and consist of the following. See Map 9 in Appendix B for an existing land use map.

- ❖ The Millstone River, the US Route 1 corridor, and Princeton Hospital to the north to the north;
- The Millstone River to the east:
- ❖ The remainder of Block 5 Lot 8.05, the Princeton Junction Redevelopment Plan Area, and the Princeton Junction Train Station to the south;
- Single-family dwellings and the US Route 1 corridor to the west;
- ❖ The future Princeton University Lake Campus to the northeast.

Section 3: Master Plan

The following section discusses the relationship between the Township's master planning documents and the Study Area.

3.1: Land Use Plan

The Township's most recent Land Use Plan Element of the Master Plan was adopted on February 12, 2020. As noted in the 2020 Land Use Plan, the entirety of the Study Area is located in the Research and Development (R&D) land use category which corresponds to the R&D Research and Development District. The R&D District permits mixed use planned developments as set forth in the ROM-1 District, provided that no less than thirty percent (30%) of the floor area be low-traffic generating uses. Outdoor athletic facilities open to the general public at no charge are also identified as a permitted use.

The 2020 Land Use Plan also notes that it is the intent of this land use category and corresponding zoning district to discourage the possible development and redevelopment of this area with traditional manufacturing uses, but rather to preserve it for high quality research, testing, analytical, and product development, with only very limited manufacturing or fabrication incidental to the research and development function. In addition, it is the further intent of this land use category and corresponding zoning district to reduce the potential amount of development that can occur on this site, and thereby reduce environmental impacts to these largely undisturbed areas and significantly lessen peak hour traffic.

For reference, the southeasterly portion of Block 5 Lot 8.05 not included in the Study Area is presently located in the RP-1 and RP-10 Princeton Junction Redevelopment Plan land use categories. See Map 10 Appendix B for a land use plan map.

3.2: Circulation Plan

The Township's most recent Circulation Plan Element of the Master Plan was adopted on December 15, 2021. One of the principles of the 2021 Circulation Plan is the need for an alternative link between the soon-to-be developed Princeton University Lake Campus and the SRI Site. The 2021 Circulation Plan notes that such a link is necessary to reduce east-west traffic in the Penns Neck Community, assist the New Jersey Department of Transportation's (NJDOT's) long-term goal of signal removal on US Route 1, provide adequate access across US Route 1 to ensure adjacent land uses' viability, and to establish regional access across US Route 1 using roadway networks incorporated into the Lake Campus and the SRI site. The plan further emphasizes that such an alternative link should be grade separated, and should extend through the SRI site to the New Jersey Route 64 bridge.

3.3: Open Space and Recreation Plan

The Township's most recent Open Space and Recreation Plan (OSRP) of the Master Plan was adopted on November 28, 2018. This element was largely an update to the Township's previously adopted 2002 OSRP, which had recommended that West Windsor consider providing access and/or a boat launch in association with the SRI site at the Sheep Wash area. However, as noted by the 2018 OSRP, no such launch has been constructed at the site. The 2018 OSRP does not provide any additional updates regarding this matter.

3.4: Conservation Plan Element

The Township's Conservation Plan Element of the Master Plan was adopted on June 26, 2002. While the 2002 Conservation Plan does not contain any specific goals or recommendations for the Study Area, it does identify the David Sarnoff Research Center on Table IX-2 entitled "NJDEP Site Remediation Program – KCS1."

~ 12 ~

¹ KCS: Known Contaminated Site

Section 4: Existing Zoning

The entirety of the Study Area is located in the R&D Research and Development District. This zoning designation is consistent with the Township's Land Use Plan which places the Study Area in the Research and Development land use category. See Map 11 in Appendix B for a zoning map of the Study Area and its surrounding environs.

4.1: Permitted and Conditional Uses

As established by Section 200-219.1 of the Township's zoning regulations, the R&D District permits mixed use planned developments as set forth in the ROM-1 District, provided that no less than thirty percent (30%) of the floor area be low traffic-generating uses which include research and research laboratories (provided that the facilities do not generate a need for more than one (1) parking space per five hundred (500) square feet of floor area) as well as hotels and conference centers.

For reference, the ROM-1 District permits the following in a mixed use planned development:

- Research, testing, analytical and product development laboratories and pilot plant facilities not involving the manufacturing, sale, processing, warehousing, distribution or fabrication of material, products or goods, except as incidental to the principal permitted uses.
- 2. General, corporate, administrative and professional offices.
- 3. Data processing and computer centers.
- 4. Limited manufacturing associated with such specialty industry groupings as agriculture, aerospace, computers, telecommunications, instrumentation, biomedical, medical, pharmaceutical and electronics.
- 5. All farm and agricultural uses permitted in residential districts.
- 6. Accessory uses and accessory buildings.
- 7. Building structures and uses owned and operated by the Township of West Windsor.
- 8. Veterinary clinics.
- 9. The conversion of hotels in existence as of April 1, 2020 into assisted living facilities, provided that fifteen percent (15%) of the beds be set aside as affordable.
- Research and business development incubator facilities, providing flexible designed spaces that can accommodate shared administrative, laboratory, computer and related research support services, including limited manufacturing facilities.
- 11. Conference center.
- 12. Hotel.
- 13. Business support uses primarily intended to service the mixed use park tenant needs.
- 14. Affordable housing as an integral part of a mixed use planned development.

In addition to the aforementioned, Section 200-219.1B.(1) establishes that the conditional uses of the R&D District consist of all those conditional uses permitted in the ROM-1 District. These uses include the following:

- 1. Transmission lines, transmitting and receiving antennae or aerials.
- 2. Public utilities (e.g., electric, gas, telephone, water, sewer, etc.) substation, electric and gas facilities
- 3. Billboards in accordance with the requirements of Section 200-243.1.

4.2: Bulk Standards

Section 200-219.2 of the Township's zoning regulations establish comprehensive bulk standards for the R&D District. These are summarized as follows.

- 1. Minimum Tract Area. The R&D District shall be developed in accordance with a comprehensive plan, and the minimum tract area shall be the entirety of the district.
- 2. Standards for lots within the mixed use planned development: None.
- 3. Development design, building arrangement, lot width, depth and yards shall be the same as the standards for a mixed use planned development in the ROM-1 District, except as modified by those regulations for low-traffic generating uses.
- 4. Maximum building height and placement standards shall be the same as the standards for a mixed use planned development in the ROM-1 District.
- 5. Common open space design covenants, conditions and restrictions shall be the same as the standards for a mixed use planned development in the ROM-1 District.
- 6. There shall be a development staging program complying with the standards for a mixed use planned development in the ROM-1 District and with those regulations pertaining to the provision of special roadway improvements and shuttle service.
- 7. Permitted floor area and parking spaces; minimum percentage of low trafficgenerating uses; provision of transit-friendly design; installation of special roadway project and shuttle service; and development phasing with respect thereto.
 - a. Maximum FAR. The maximum floor area permitted is .21 and shall be calculated on a district-wide basis.
 - b. Parking spaces. The applicant shall provide no more than one parking space per 500 square feet of research uses, 445 square feet of hotel and conference uses, and 300 square feet for all other uses. The applicant shall not create any more spaces through restriping or other means.
 - c. Low traffic-generating uses.
 - i. The minimum floor area devoted to low traffic-generating uses shall be 30%.
 - ii. The following shall be considered low traffic-generating uses:
 - Research and research laboratories, provided that the facilities do not generate a need for more than one parking space per 500 square feet of floor area.
 - 2. Hotels and conference centers.

- d. Transit-friendly design.
 - i. The development shall be designed in a transit-friendly manner in accordance with the following design elements and shall show a transit way consistent therewith, except that such elements shall be superseded by any transit-friendly design criteria specific to this transit way adopted by a higher level jurisdiction having authority over such transit way:
 - 1. All of the building main entrances shall be within 1,000 feet, measured by using the sidewalk system, of a transit stop.
 - 2. Transit stops within the developed site area shall be spaced 1,000 feet to 2,000 feet apart.
 - 3. Right-of-way width dedicated for transit shall accommodate two one-way directional track ways with boarding areas on each side at each transit stop.
 - 4. Transit stops shall be designed to include amenities in the form of shelters with benches, lighting, and directional signage and shall be proximate to such business support uses as are included in the development.
 - 5. Site design shall provide the shortest and most convenient distances from transit stops to the main entrances of the buildings on site.
 - 6. The following standards shall be relaxed when the applicant provides a transit-friendly design.
 - a. Minimum spacing between buildings:
 - i. The requirement of 35 feet between buildings or the average height of the structures, whichever is greater, may be reduced to the standards set forth in the Township's site design and building layout criteria.
 - ii. The requirement of a minimum window wall to window wall distance of 75 feet may be reduced to 50 feet.
 - b. Minimum spacing between buildings and parking:
 - i. The requirement of a twelve-foot minimum between any building face and parking area may be reduced to 10 feet.
 - c. Minimum spacing between buildings and parking and on-site roadways:
 - i. The requirement of 100 feet from an internal road right-of-way with a fifty-foot

landscape area may be reduced to 20 feet with no required landscape area.

- 7. The applicant shall dedicate the right-of-way for the proposed light rapid transit, bus rapid transit, or other transit way to the Township, provided its layout and location have been approved by the Planning Board. Such dedication shall take place at such time as the Township Council requires in order for the fixed guideway transit or other transit system in the right-of-way to operate, but no earlier than when the alignment of the roadway improvement project described in the Circulation Element of the Master Plan as the Millstone By-Pass or its functional equivalent has been set.
- ii. Provision of special roadway improvement and shuttle service and phasing with respect thereto.
 - The Millstone By-Pass as described in the Circulation Element of the Master Plan or its functional equivalent shall be shown on any application in the R&D District. Such functional equivalent shall be acceptable to the Planning Board and shall be a public street
 - 2. Have the same right-of-way width as is shown on the Circulation Element for the Millstone By-Pass; and
 - 3. Be located on the R&D District tract, but not in close proximity to the adjoining residences.
 - 4. The R&D District shall not contain more than 1,200,000 square feet of floor area before the Millstone By-Pass is constructed.
 - 5. The R&D District shall not contain more than 1,200,000 square feet of floor area before the developer paves a portion of the approved transit way right-of-way or such other right-of-way as is approved on a temporary basis by the Planning Board to support a shuttle bus service to the Princeton Junction train station and commences a shuttle bus service using such line. The service's operation shall be acceptable to Township Council and the Office of Community Development.
- iii. Agreement with Township. The applicant and owner shall enter into an agreement with the Township in recordable form and binding on their successors-in-title. It shall include:
 - 1. A statement of the floor area being used for low trafficgenerating uses and the nature of such uses.
 - 2. A provision that the low traffic-generating use space cannot be used for other than the approved uses when

doing so results in less than 30 percent of the floor area being devoted to low traffic-generating uses except upon a determination by the Planning Board that a proposal made after the original approval, including limiting use to a portion of the space, contains only permitted uses and will not generate more peak hour traffic than did the approved space.

- 3. A provision that makes the agreement a covenant running with the land.
- 8. Maximum improvement coverage: 45%.



Section 5: Statutory Criteria Analysis

The following section offers an analysis as to how the Study Area relates to the redevelopment criteria established by the LRHL, which are identified in Section 1.2 of this report.

As discussed in greater detail herein, the Study Area displays characteristics which satisfy the redevelopment statutory criteria and consequently justify its designation as a Non-Condemnation Redevelopment Area. Those criteria are identified and summarized in the following figure.

Criterion A

Criterion B

Criterion C

Criterion D

Satisfied

Satisfied

Not Satisfied

Criterion C

Criterion D

Criterion D

Criterion D

Not Satisfied

Satisfied

Criterion G

Criterion H

Not Satisfied

Not Satisfied

Satisfied

Figure 3: Summary of Criteria

5.1: Criterion "A" Analysis

NJSA 40A:12-A5.a. establishes the following criterion:

The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.

As previously outlined in Section 2.4, the facility was originally developed in 1942 with various additions, modifications, and newer buildings constructed over the following fifty years. Since that time, the facility has largely become substandard with significant portions of it becoming unsanitary and dilapidated. Furthermore, due to its age, the infrastructure of the facility has become obsolescent which, in turn, has contributed to unwholesome working conditions.

This can be seen in the facility's exterior walls, all of which consist of a non-load bearing masonry curtain constructed of a concrete block with a brick veneer exterior finish. A site inspection conducted on February 11, 2022 identified significant cracking and deterioration of these brick and concrete block walls, as well as within stairwells. See Photograph 4 through Photograph 7 in Appendix C for evidence of this cracking.

The interior of the facility contains both lead paint and asbestos, the presence of which consequently renders renovation and reconstruction work more expensive and more complicated. See Photograph 8 and Photograph 9 in Appendix C for examples of asbestos floor tiling. In addition, several hallways and rooms displayed evidence of severe water damage. In certain instances – most notably, in Buildings 3 and 4 – this water damage has contributed to significant amounts of mold which, in turn, makes those spaces unfit for human occupation. In other instances, water damage has warped the facility's floorboards, thereby creating safety hazards. See Photograph 10 through Photograph 17 in Appendix C for evidence of water damage.

Furthermore, the facility's heating, ventilation, and air conditioning (HVAC) systems date back to the original construction of the building. HVAC systems include localized chilled water fan coil units and centralized air handing units which provide outside air as well as air for cooling and heating. The perimeter of the building utilizes wall-mounted steam and hot water convectors for heating the building. Due to their overall age, these systems are inefficient and costly to operate by today's standards. In certain instances, unutilized and abandoned infrastructure remain along the outskirts of the building. See Photograph 18 and Photograph 19 in Appendix C for examples of unutilized and abandoned infrastructure.

The 621,251 square-foot facility also relies upon nine (9) elevators. Three (3) of these are freight elevators, while the remaining six (6) are passenger elevators. All elevators utilize original equipment which date back to the facility's original construction in 1942. Moreover, the elevators themselves are antiquated, as the newest elevator was last installed in 1965. Thus, none of the elevators have been modernized nor do they meet standards. See Photograph 20 and Photograph 21 in Appendix C for evidence of this outdated elevator infrastructure

The majority of lab spaces within the facility are also outdated and obsolescent when compared to today's standards. This is particularly evident when analyzing the vacancy rate of the facility, which is in large part due to the obsolescence of these spaces. This is discussed in greater detail in Section 5.2.

In consideration of the above, the "a" criterion may be applied to the Study Area.

5.2: Criterion "B" Analysis

NJSA 40A:12-A5.b. establishes the following criterion:

The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenantable.

The research facility consists of a total of 621,251 square feet. Based upon a report received from the property owner, approximately 150,000 square feet of the building is occupied and actively utilized. This represents a vacancy rate of approximately seventy-five percent (75%). These vacancies were observed on a site inspection conducted on February 11, 2022. Evidence of such can be seen from Photograph 22 through Photograph 32 in Appendix C.

In consideration of the above, the "b" criterion may be applied to the Study Area.

5.3: Criterion "C" Analysis

NJSA 40A:12-A5.c. establishes the following criterion:

Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.

The Study Area is not owned by the Township of West Windsor, Mercer County, a local housing authority, or a redevelopment agency/entity. Furthermore, the land is improved and does not suffer from its location, remoteness, lack of access, topography, or nature of its soil.

In consideration of the above, the "c" criterion may not be applied to the Study Area.

5.4: Criterion "D" Analysis

NJSA 40A:12-A5.d. establishes the following criterion:

Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

As already detailed herein, the research facility was originally developed in 1941 with various modifications, additions, and newer buildings subsequently constructed over the following fifty years. Thus, the layout and design of the facility is largely obsolescent when compared to today's standards.

In summary:

- The main electrical substations which service the facility largely consist of original equipment dating back to the 1950s. Thus, these facilities are obsolete by today's standards. Testing of the facility's main substation was recently performed by Scot Testing in October 2021, which found significant deficiencies with the main substations and feeder switches.
- 2. The facility's heating, ventilation, and air conditioning (HVAC) systems date back to the original construction of the building. Due to their overall age, these systems are inefficient and costly to operate by today's standards.
- 3. As previously noted, the 621,251 square-foot facility also relies upon nine (9) elevators. Three (3) of these are freight elevators, while the remaining six (6) are passenger elevators. These elevators utilize original equipment which date back to the facility's construction in 1942. Moreover, the elevators themselves are antiquated, as the newest elevator was last installed in 1965. Thus, none of the elevators have been modernized nor do they meet current ADA or elevator code standards.
- 4. The facility's central utility plant dates back to the early years of the facility, and presently consists of original equipment. This includes: two (2) air compressors; three (3) steam boilers; two (2) absorption chillers; and one (1) electrical centrifugal chiller. Due to their age, this equipment is inefficient, costly to operate, and generally unreliable. An example of this obsolescence occurred in November 2021 when a steam piping expansion valve failed on the main distribution piping, which consequently required \$80,000 worth of repairs.
- 5. As previously noted, the majority of lab spaces within the facility are also outdated and obsolescent when compared to today's standards. This is particularly evident when analyzing the vacancy rate of the facility, which is in large part due to the obsolescence of these spaces.

These conditions, along with the antiquated interior layout of the building, have contributed to the facility's significant vacancy rate. When considered in their totality, these inefficiencies are contrary and detrimental to the purposes of zoning as established in the Municipal Land Use Law (MLUL).

In consideration of the above, the "d" criterion may be applied to the Study Area.

5.5: Criterion "E" Analysis

NJSA 40A:12-A5.e. establishes the following criterion:

A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.

As previously noted, the existing facility presently has a vacancy rate of approximately 75% which is indicative of a lack of proper utilization. However, this vacancy rate is a result of the obsolescence of the building and not, as specified by criterion "e," due to the condition of title, diverse ownership, or other similar conditions.

In consideration of the above, the "e" criterion may not be applied to the Study Area.

5.6: Criterion "F" Analysis

NJSA 40A:12-A5.f. establishes the following criterion:

Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.

The improvements in the Study Area have not been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake, or other casualty in such a way that the aggregate value of the area has been materially depreciated.

In consideration of the above, the "f" criterion may not be applied to the Study Area.

5.7: Criterion "G" Analysis

NJSA 40A:12-A5.g. establishes the following criterion:

In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zone Act," the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment

The Study Area is not located in an Urban Enterprise Zone. Thus, the "g" criterion may not be applied to the Study Area.

5.8: Criterion "H" Analysis

NJSA 40A:12-A5.h. establishes the following criterion:

The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

While no redevelopment plan has been prepared at this time, the designation of the Study Area will nevertheless be consistent with smart growth planning principles.

Specifically, the designation would support the smart growth principle of "directing development towards existing communities." As previously noted, the site has been developed since 1941 with various new buildings and additions constructed over the following fifty years. The redevelopment of this established area – as opposed to the relocation and development of a new facility on vacant or pristine lands – is supportive smart growth principles.

Furthermore, the designation of this site as an area in need of redevelopment will allow for the preparation of a redevelopment plan. This will subsequently make future development decisions at the site predictable, fair, and cost effective, thus supporting another smart growth initiative. Finally, due to its public notice and hearing requirements, the redevelopment process inherently encourages community and stakeholder collaboration in development decisions.

Section 7: Planning Conclusions and Recommendation

The planning analysis contained herein concludes that the Study Area displays characteristics which satisfy the redevelopment statutory criteria and consequently justify its designation as a Non-Condemnation Redevelopment Area.

It should be noted that a determination to designate a redevelopment area simply defines and delineates the area in which the municipality intends to pursue an active role in furthering redevelopment. This redevelopment identification can include alternative approaches to upgrade and revitalize the area.

The following recommendations are offered for the Township's consideration:

- 1. The statute provides that "no area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the planning board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in the applicable Laws of the State of New Jersey". Such determination shall be made after public notice and public hearing.
 - The Governing Body authorized the Planning Board to conduct this redevelopment investigation. This report concludes that a portion of the Study Area satisfied the "a," "b," "d", and "h" criteria, which serves as the basis for the Planning Board's recommendation to the Governing Body.
- 2. Based on our analysis, we recommend that the entirety of the Study Area be considered for designation as an Area in Need of Redevelopment.
- 3. Upon completion of a hearing on this matter, the Planning Board is required to forward its recommendation regarding whether the delineated area, or any part thereof, should be designated, or not designated, by the Governing Body as a redevelopment area.
- 4. After receiving the recommendation of the Planning Board, the Governing Body may adopt a resolution designating the delineated site as an Area in Need of Redevelopment.

- 5. The Governing Body, after adopting a resolution to delineate the redevelopment area, should direct the Planning Board to prepare a redevelopment plan pursuant to the applicable redevelopment statute. The plan may be prepared by the Planning Board and then forwarded to the Governing Body for adoption. The redevelopment plan is required to include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:
 - The relationship to defined local objectives as to appropriate land uses, population density, traffic, public transportation, utilities, recreation and community facilities, and other public improvements;
 - b. Proposed land uses and building requirements in the study area;
 - c. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe, and sanitary dwelling units affordable to displaced residents will be available in the existing local housing market;
 - d. Identify any property within the redevelopment area that is proposed to be acquired in accordance with the redevelopment plan (as a Non-Condemnation Area in need of Redevelopment, no such acquisition will be undertaken via eminent domain);
 - e. Any significant relationship of the redevelopment plan to the master plans of contiguous municipalities, County Master Plan and State Development and Redevelopment Plan.
- 6. Following the adoption of the Redevelopment Plan, the Governing Body should appoint a redevelopment entity to oversee the redevelopment of the area.

Appendix A: Resolution 2021-R203

RESOLUTION

- WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"), authorizes a municipality to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment;
- WHEREAS, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law, the Township Council (the "Council") of the Township of West Windsor (the "Township") must authorize the Planning Board of the Township (the "Planning Board") to conduct a preliminary investigation of the area and make recommendations to the Council; and
- WHEREAS, the Township previously designated an approximately 100 acre portion of the property identified as Block 5, Lot 8.05 on the Official Tax Map of the Township as an area in need of redevelopment under the Redevelopment Law and thereafter incorporated such parcel into the RP-1 and RP-10 districts within the Princeton Junction Redevelopment Plan; and
- WHEREAS, the Council believes it is in the best interest of the Township that an investigation occur with respect to the approximately 150 acre balance of Block 5, Lot 8.05 and therefore authorizes and directs the Planning Board to conduct an investigation of such 150 acre balance of the property identified as Block 5, Lot 8.05 on the Official Tax Map of the Township (the "Study Area"), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically N.J.S.A. 40A:12A-5, and should be designated as an area in need of redevelopment; and
- WHEREAS, if the Study Area is determined to meet the criteria for designation as an area in need of redevelopment and the Township so designates the Study Area, then the Township shall be authorized to use all the powers provided under the Redevelopment Law for use in a redevelopment area, except for the power of eminent domain (hereinafter referred to as a "Non-Condemnation Redevelopment Area").
- NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of West Windsor, County of Mercer, State of New Jersey, that the Planning Board is hereby authorized and directed to conduct an investigation pursuant to N.J.S.A. 40A:12A-6 to determine whether the Study Area satisfies the criteria set forth in N.J.S.A. 40A:12A-5 to be designated as an area in need of redevelopment under the Redevelopment Law; and

- BE IT FURTHER RESOLVED that as part of its investigation, the Planning Board shall prepare a map showing the boundaries of the Study Area and the location of the parcel(s) contained therein, and appended thereto shall be a statement setting forth the basis of the investigation.
- BE IT FURTHER RESOLVED that the Planning Board shall conduct a public hearing in accordance with the Redevelopment Law, specifically N.J.S.A. 40A:12A-6, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment. The notice of the hearing shall specifically state that the redevelopment area determination shall not authorize the Township to exercise the power of eminent domain to acquire any property in the delineated area, as the Study Area is being investigated as a possible Non-Condemnation Redevelopment Area.
- BE IT FURTHER RESOLVED that the Planning Board, following said preliminary investigation and hearing, is further authorized and directed to make a recommendation to the governing body of the Township, pursuant to N.J.S.A. 40A:12A-6, as to whether the Study Area should or should not be determined by the governing body to be a Non-Condemnation Redevelopment Area.
- BE IT FURTHER RESOLVED that in the event the governing body shall designate the Study Area as a Non-Condemnation Redevelopment Area, the Township shall be authorized to use all the powers provided under the Redevelopment Law for use in a redevelopment area, except for the power of eminent domain.

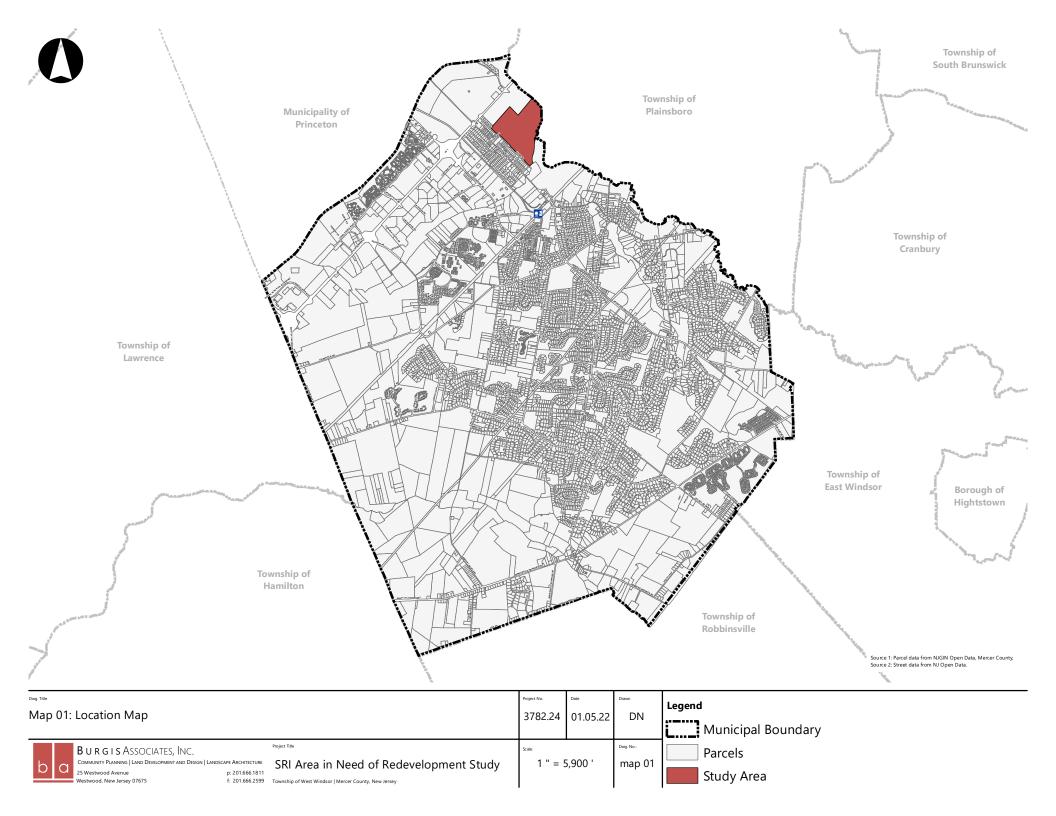
ADOPTED: November 22, 2021

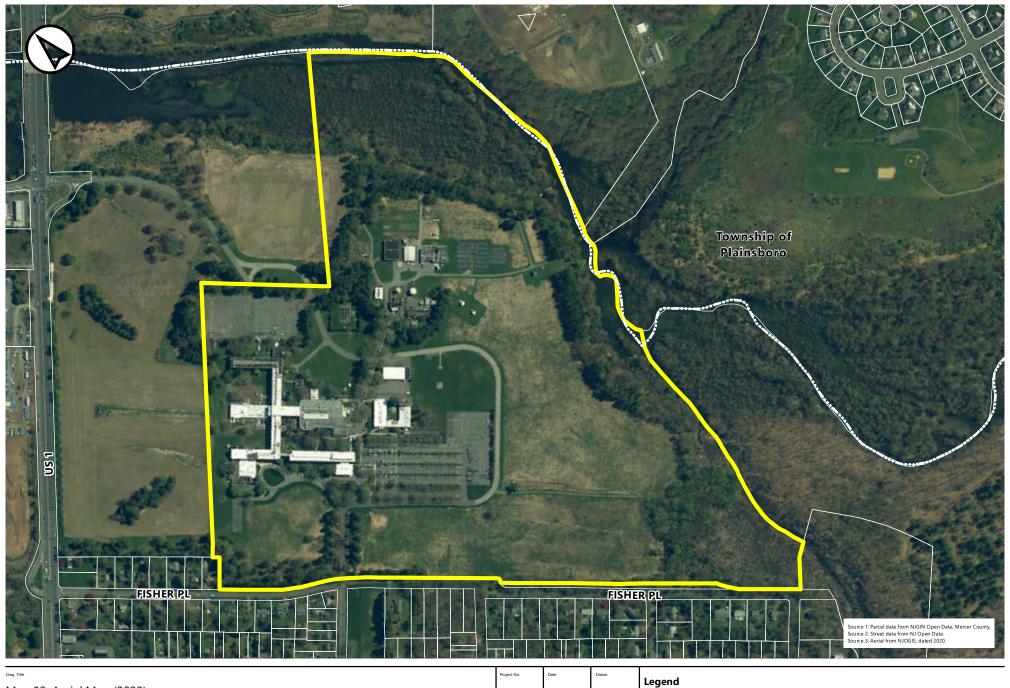
I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 22nd day of November, 2021.

Gay M. Huber
Township Clerk

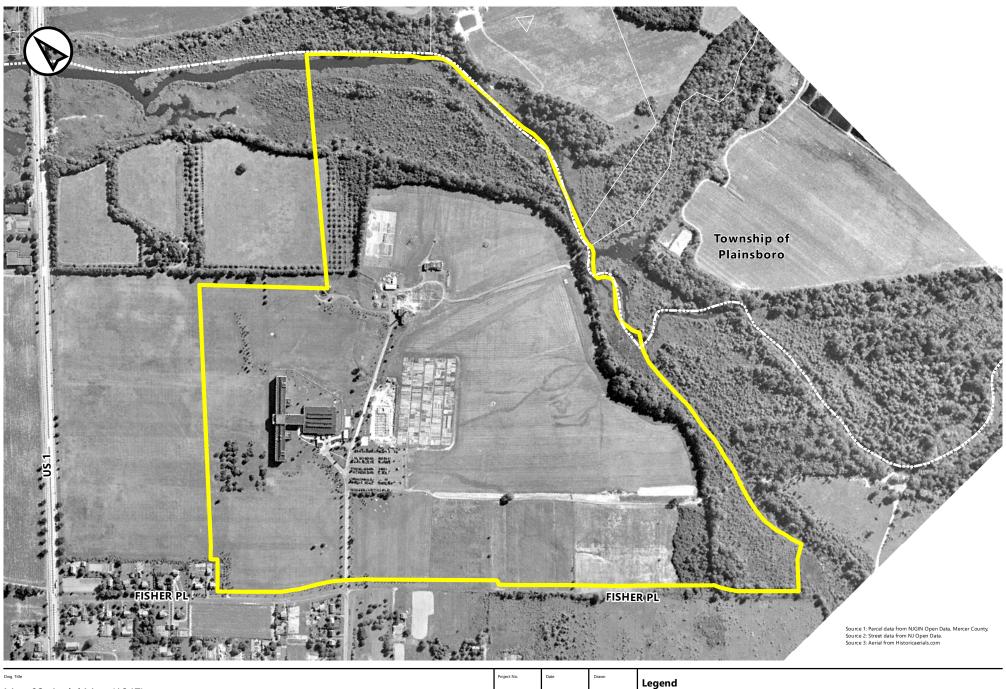
West Windsor Township

Appendix B:
Mapping

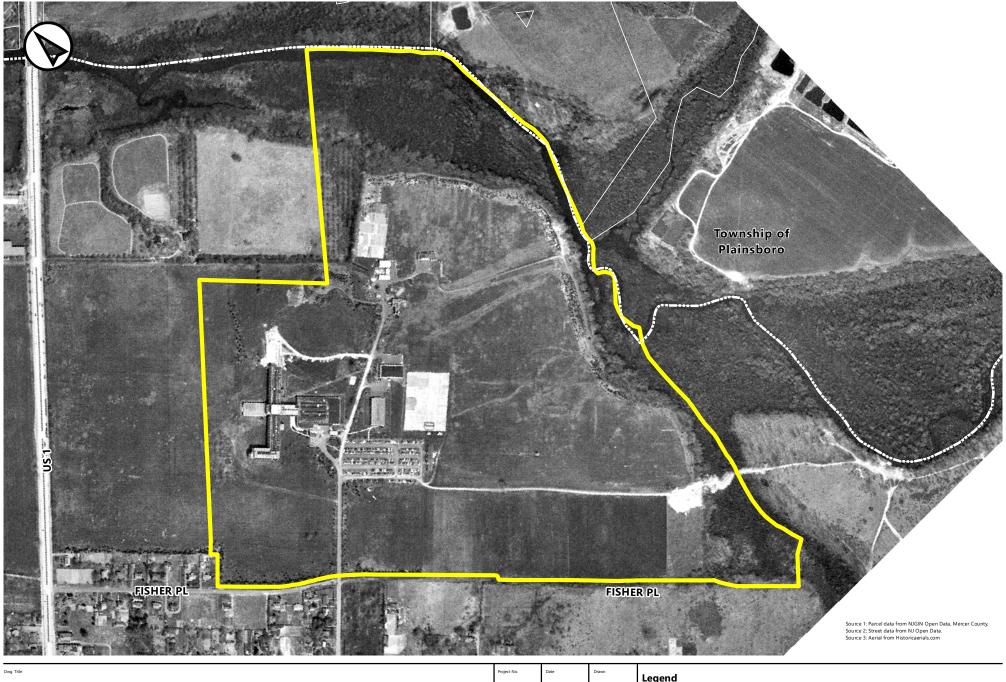












Map 04: Aerial Map (1953)

B U R G I S ASSOCIATES, INC.

COMMINITY PLANNING LIAND DEVELOPMENT AND DESIGN | LANDSCAPE ARCHITECTURE 25 Westwood, New Jersey 07675

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COMMINITY PLANNING LIAND DEVELOPMENT AND DESIGN | LANDSCAPE ARCHITECTURE 25 Westwood, New Jersey 07675

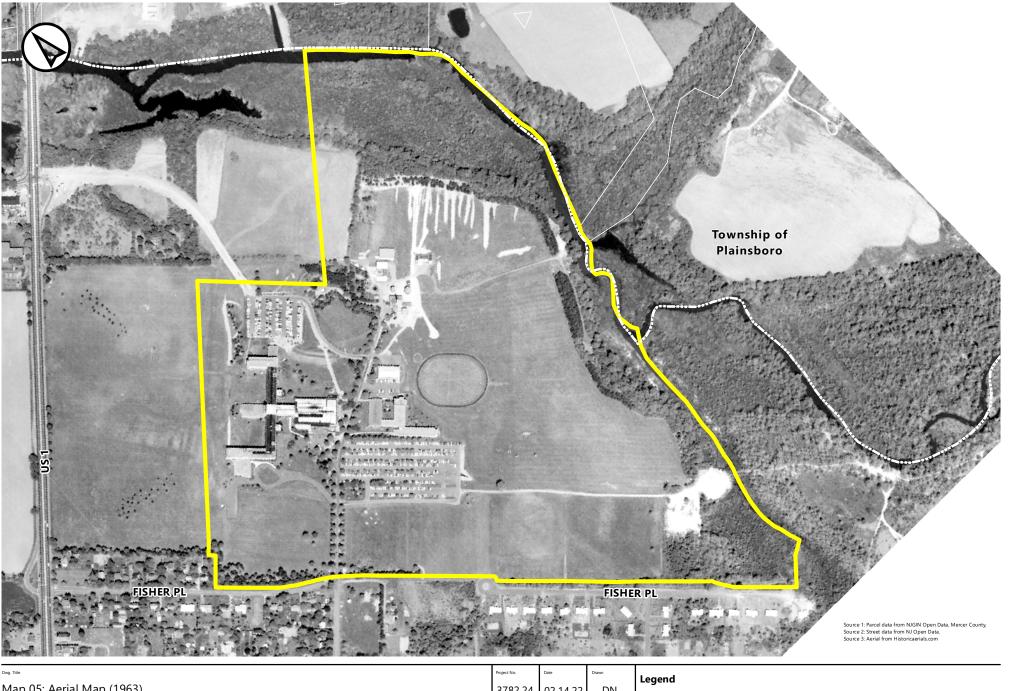
B. U R G I S ASSOCIATES, INC.

SRI Area in Need of Redevelopment Study

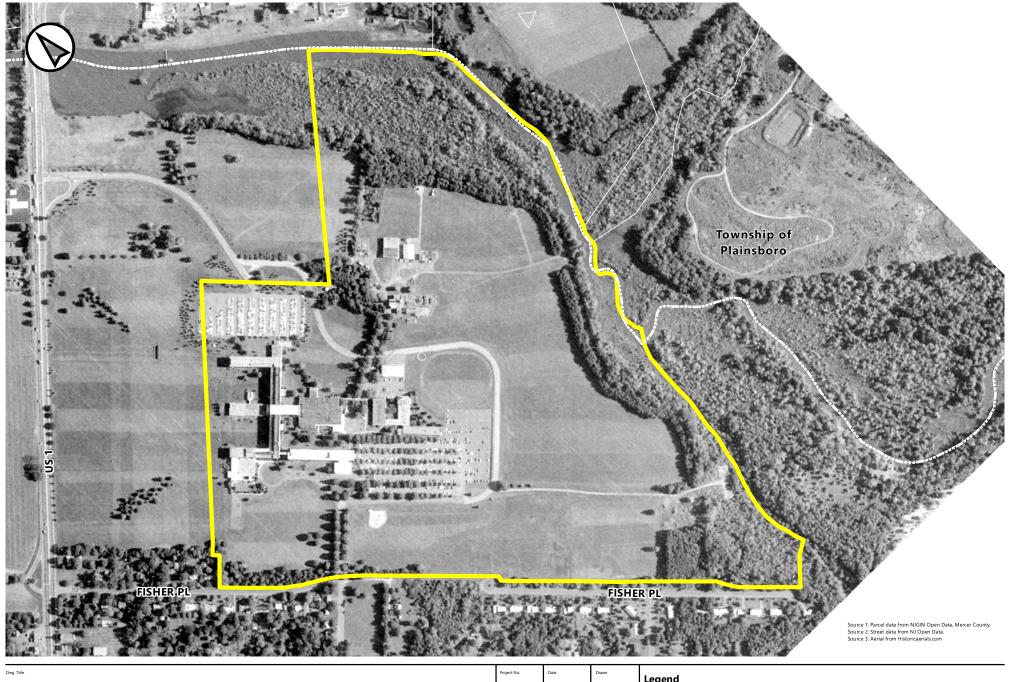
1 " = 550 ' map 04

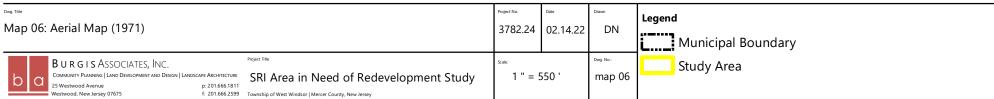
Study Area

Study Area



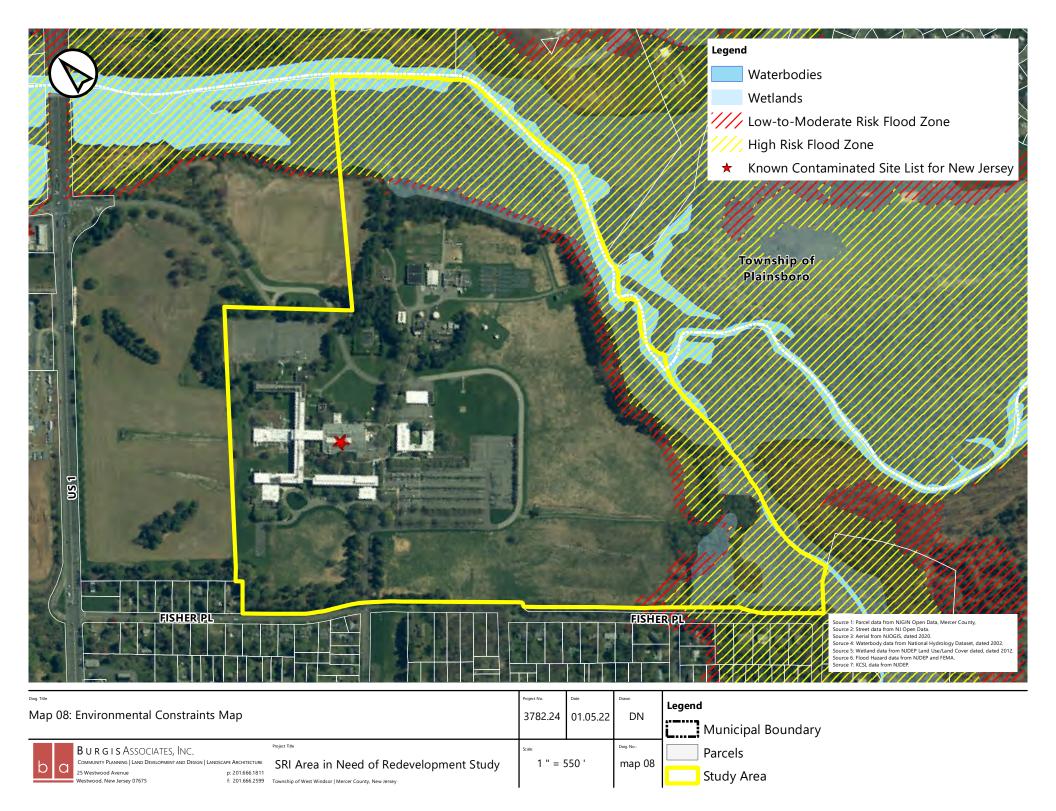


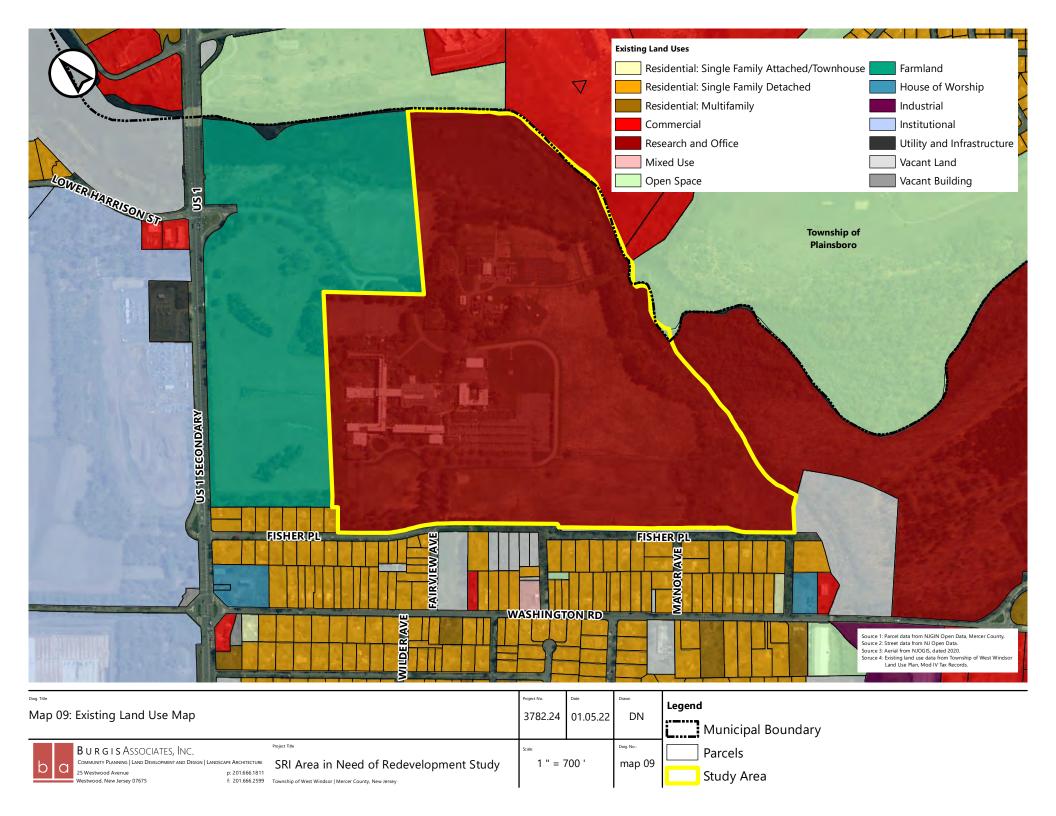


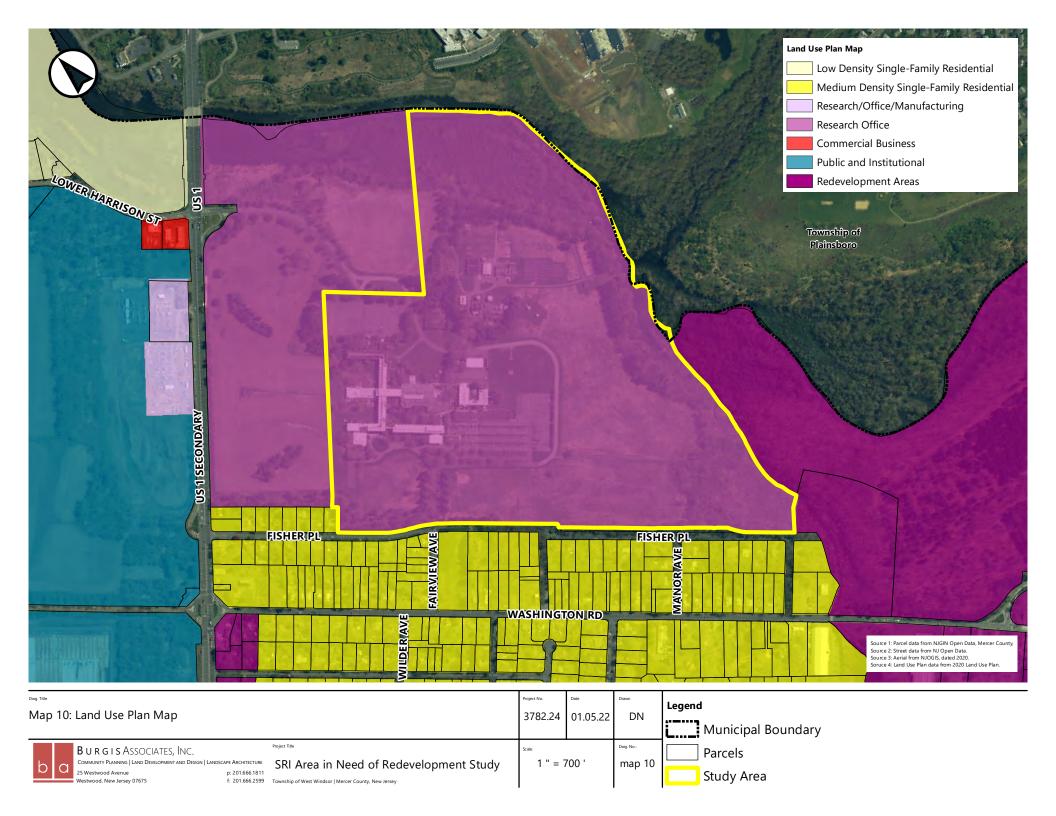


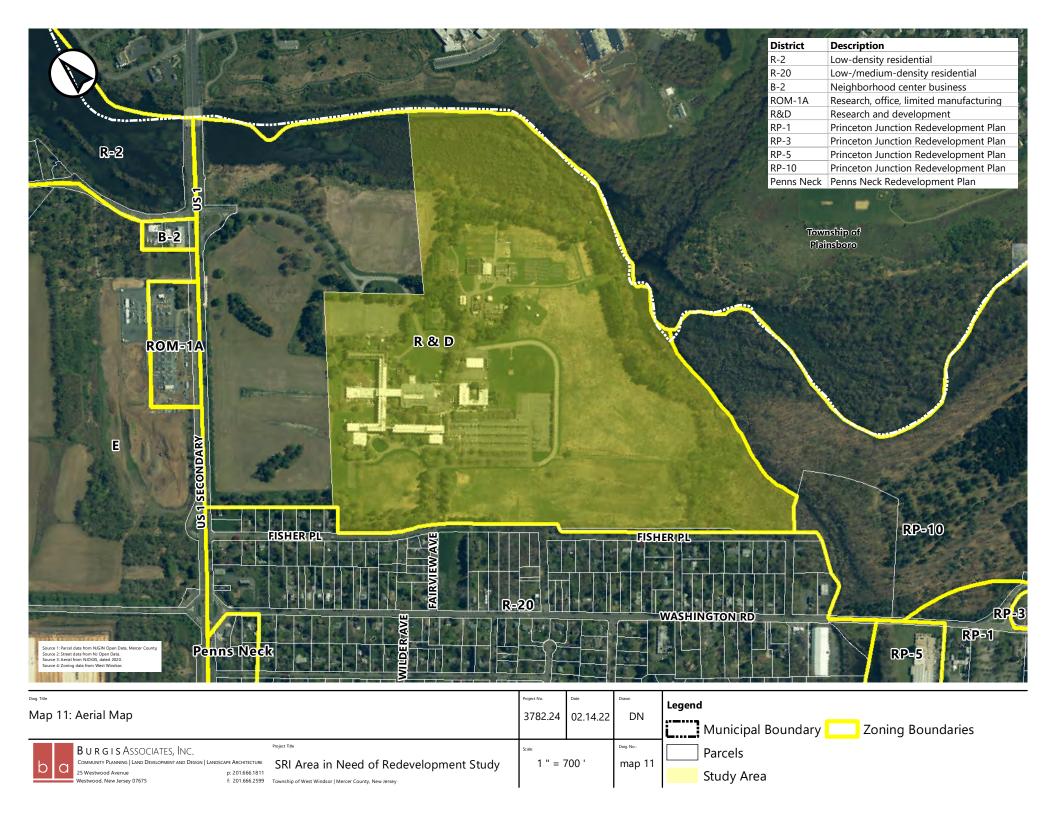
















Photograph 1: Entrance from Fairview Avenue



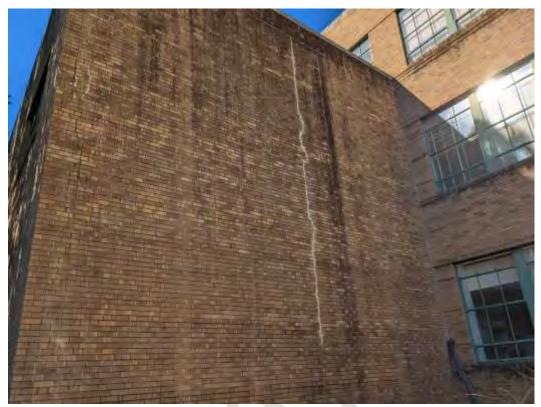
Photograph 2: Entrance from US Route 1



Photograph 3: Main Entrance Lobby



Photograph 4: Evidence of cracking and deterioration of exterior wall



Photograph 5: Evidence of cracking and deterioration of exterior wall



Photograph 6: Evidence of cracking and deterioration of stairwell



Photograph 7: Evidence of cracking and deterioration of stairwell



Photograph 8: Asbestos tiles



Photograph 9: Asbestos tiles



Photograph 10: Evidence of water damage



Photograph 11: Evidence of water damage (Building 4)



Photograph 12: Evidence of water damage (Building 3)



Photograph 13: Evidence of water damage (Building 3)



Photograph 14: Evidence of water damage and mold (Building 3)



Photograph 15: Evidence of water damage (Building 3)



Photograph 16: Evidence of water damage and warped floorboards



Photograph 17: Evidence of water damage



Photograph 18: Unutilized/abandoned infrastructure



Photograph 19: Unutilized/abandoned infrastructure



Photograph 20: Outdated elevator



Photograph 21: Original elevator infrastructure



Photograph 22: Evidence of vacant lab space



Photograph 23: Evidence of vacant lab space



Photograph 24: Evidence of vacant lab space (Building 4)



Photograph 25: Evidence of vacant lab space (Building 4)



Photograph 26: Evidence of vacant lab space (Building 4)



Photograph 27: Evidence of vacant space (Building 3)



Photograph 28: Evidence of vacant space



Photograph 29: Evidence of vacant space



Photograph 30: Vacant library



Photograph 31: Vacant library



Photograph 32: Vacant library