

**ORDINANCE 2020-05**

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

**AN ORDINANCE ADOPTING THE PENNS NECK BUSINESS COMMERCIAL  
REDEVELOPMENT PLAN**

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

Section 1. The Route 1 Penns Neck Business Commercial Redevelopment Plan attached hereto is hereby adopted. A copy of the Redevelopment Plan is on file in the Clerk's office.

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

Introduction: January 13, 2020

Public Hearing: January 27, 2020

Amended: January 27, 2020

Re-introduced: February 10, 2020

Adoption:

Mayor's Approval:

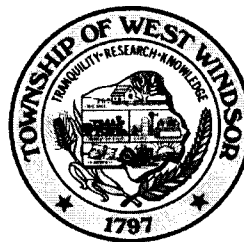
Effective Date:

2020

# Route 1 Penns Neck Business Commercial Redevelopment Plan

Draft Version 3.0 (2/10/20)

Township of West Windsor | Mercer County, New Jersey







COMMUNITY PLANNING  
LAND DEVELOPMENT AND DESIGN  
LANDSCAPE ARCHITECTURE

B U R G I S  
A S S O C I A T E S , I N C .

Principals:  
*Joseph H. Burgis PP, AICP*  
*Edward Snieckus, Jr. PP, LLA, ASLA*  
*David Novak PP, AICP*

## Route 1 Penns Neck Business Commercial Redevelopment Plan

Township of West Windsor  
Mercer County, New Jersey

Prepared for the Township of West Windsor  
Planning Board

BA# 3576.25

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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Michael Karp, Vice Chair  
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# Introduction

On April 15, 2019, the West Windsor Township Council authorized the Township Planning Board to conduct a preliminary investigation to determine if the Penns Neck area along the US Route 1 Corridor between Mather Avenue and Washington Road (hereinafter referred to as the “Study Area”) constituted 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 a planning analysis for the Board’s review and subsequent recommendation to the Township Council.

As identified in the Township Council’s authorizing resolution (see Appendix A), the Study Area consisted of ten separate (10) lots which are identified by the Official Tax Map of the Township of West Windsor as Block 38 Lots 1, 2, 3, 25, and 45, and Block 39 Lots 4, 5, 7, 16, and 27. The April 15, 2019 resolution also declared that the preliminary investigation of the Study Area was to be undertaken within the context of a “condemnation” redevelopment procedure. That is, if the Study Area or a portion thereof was determined to be an Area in Need of Redevelopment pursuant to the LRHL, it was to be designated a 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, including eminent domain.

Following a public hearing held on July 24, 2019, the Planning Board ultimately determined and recommended that the entirety of the Study Area constituted an Area in Need of Redevelopment. Subsequently and pursuant to that recommendation, the Township Council adopted Resolution 2019-R191 on September 3, 2019 designating the entirety of the Study Area as Condemnation Redevelopment Area. That same resolution directed the Planning Board to prepare a condemnation redevelopment plan for the aforementioned lots. The Planning Board subsequently directed Burgis Associates, Inc. to prepare such a plan.

Accordingly, the following Route 1 Penn’s Neck Area Redevelopment Plan (hereinafter referred to as the “Redevelopment Plan” or the “Plan”) is the culmination of the Planning Board’s efforts. It has been prepared for the entirety of the Route 1 Penns Neck Business Commercial Redevelopment Area. The Plan set forth herein is designed to affirmatively address the statutory criteria set forth in the LRHL, identify the Plan’s underlying goals and objectives, enumerate permitted uses as well as area and bulk regulations, and indicate its relationship to local, regional, and state land use planning objectives.

The remainder of this Redevelopment Plan is divided into the following sections:

❖ Section 1: LRHL Background

The first section discusses the background of the LRHL as well as the redevelopment process. It also identifies the required elements of a redevelopment plan.

❖ Section 2: Redevelopment Area

The next section provides a brief overview of the Redevelopment Area.

❖ Section 3: Redevelopment Plan Details

Section 3 outlines the goals, permitted uses, and area and bulk regulations of the Route 1 Penns Neck Business Commercial Redevelopment Area.

❖ Section 4: Consistency to Other Plans

Next, Section 4 discusses the relationship of this Redevelopment Plan to the Township's Master Plan, the Township of Plainsboro's Master Plan, the Mercer County Master Plan, the State Development and Redevelopment Plan, and the draft State Strategic Plan.

❖ Section 5: General Provisions

Section 5 contains the general provisions of the Redevelopment Plan.

❖ Section 6: Planning Conclusions and Recommendations

Finally, Section 6 offers a summary of compliance.

# Section 1: LRHL Background

As noted in the New Jersey Department of Community Affairs' *Redevelopment Handbook (2<sup>nd</sup> Edition)*, redevelopment can most simply be described as the "process to rebuild or restore an area in a measurable state of decline, disinvestment, or abandonment."

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 replaced 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:

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*"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."*

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The LRHL provides the statutory authority for municipalities to engage in a number of redevelopment activities, including: designating an "area in need of redevelopment"; preparing and adopting redevelopment plans; and implementing redevelopment projects. Essentially, the LRHL is a planning and financial 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 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;
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.

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## 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 or not an area is in need of redevelopment. As required by recent amendments to the LRHL, 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." As previously noted, the Township Council previously initiated this process as a "Condemnation" Study Area pursuant to Resolution 2019-R090 which was adopted on April 15, 2019.

An area qualifies as being in need of redevelopment if it meets at least one (1) of the nine (9) statutory criteria listed under Section 5 of the LRHL. These criteria 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.

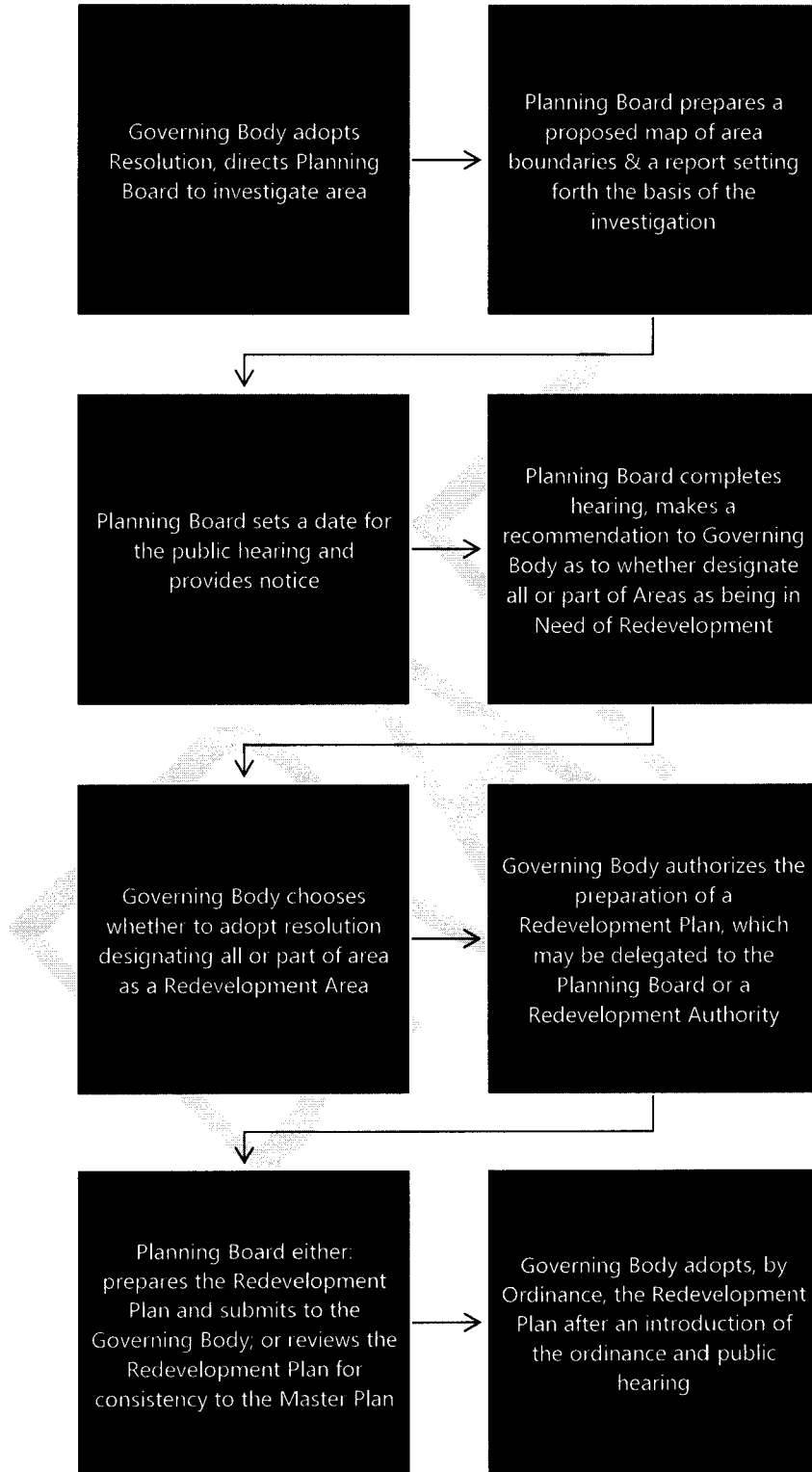
After it conducts its investigation, the planning board must hold a public hearing on the proposed redevelopment area designation. Accordingly, the Township's Planning Board held its public meeting on the redevelopment designation on July 24, 2019, in which it determined and ultimately recommended that the entirety of the Study Area constituted a Condemnation Area in Need of Redevelopment.

Based upon the planning board's recommendation, the governing body may choose to 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. The West Windsor Township Council followed the latter approach when it adopted Resolution 2019-R191 on September 3, 2019, which designated the entirety of the Study Area as a Condemnation Area and directed the Township Planning Board to prepare the Redevelopment Plan contained herein.

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-fold 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.

Figure 1: Summary of Redevelopment Process



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## 1.2: Requirements of a Redevelopment Plan

As established by NJSA 40:12A-7 of the LRHL, a redevelopment plan shall include an outline for the planning, development, redevelopment, or rehabilitation of a project area sufficient to indicate:

1. Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
2. Proposed land uses and building requirements in the project area.
3. 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 to them in the existing local housing market.
4. An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.
5. Any significant relationship of the redevelopment to:
  - a. The master plans of contiguous municipalities;
  - b. The master plan of the county in which the municipality is located, and;
  - c. The State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L. 1985, c.398 (C.52:18A-196 et al.)
6. As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to Section 4 of P.L.1985, c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.
7. A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last eighteen (18) months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan.

# Section 2: Redevelopment Area

The following section provides a general overview of the Route 1 Penns Neck Business Commercial Redevelopment Area.

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## 2.1: Redevelopment Area Overview

The Route 1 Penns Neck Business Commercial Redevelopment Area is located in the northerly portion of the Township, near the intersection of US Route 1 and Washington Road. Inclusive of the right-of-way, the Redevelopment Area encompasses approximately 6.15 acres. It consists of ten (10) separate lots: Block 38 Lots 1, 2, 3, 25, and 45; and Block 39 Lots 4, 5, 7, 16, and 27.

The entirety of the Redevelopment Area has approximately 900 feet of frontage along the US Route 1 Corridor, as measured between the westerly extent of Mather Avenue and Washington Road. It is bisected by Varsity Avenue which intersects with US Route 1. Block 38 and Block 39 have approximately 387 feet and 438 feet of frontage along US Route 1, respectively.

The depth of the Redevelopment Area varies between 237 feet to 300 feet as measured from Route 1. The depth of Block 38 varies between approximately 270 feet and 288 feet, while the depth of Block 39 varies between approximately 237 feet to 300 feet

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## 2.2: Existing Land Uses

The following table and accompanying figure provide an overview of the existing land uses within the Route 1 Penns Neck Business Commercial Redevelopment Area.

As shown, three (3) of the lots within the Redevelopment Area are presently developed with single-family dwellings. An additional property (Block 39 Lot 5) was previously developed with a single-family dwelling and a home office; however, this structure was significantly damaged by a fire and is no longer inhabitable. One (1) property, Block 39 Lot 7, is a two-family dwelling.

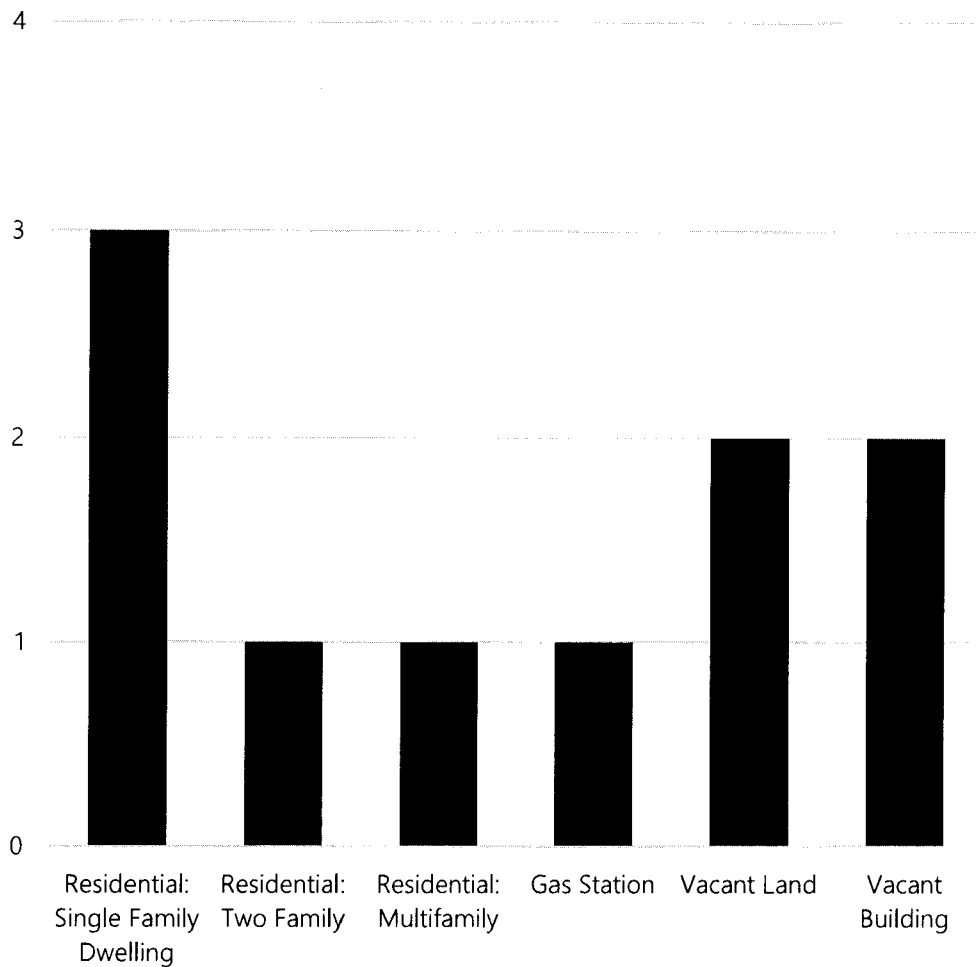
Two (2) properties within the Redevelopment Area are vacant and undeveloped: Block 38 Lot 1 and Block 38 Lot 3. The former lot was previously developed with an office building which was demolished in 2017. The latter has no records of any development ever existing on site. Furthermore, the buildings on two (2) properties within the Redevelopment Area are presently unoccupied. These include Block 38 Lot 2 and the aforementioned Block 39 Lot 5.

Finally, two (2) properties are developed with pre-existing nonconforming uses. One (1) property is developed with a multifamily apartment consisting of six (6) units, while one (1) property is developed with a gas station.

Table 1: Existing Land Uses

Block	Lot	Address	Area	Land Use
38	1	3700 Brunswick Pike	0.57	Vacant Land
	2	3702 Brunswick Pike	0.53	Vacant Building
	3	3704 Brunswick Pike	0.60	Vacant Land
	25	266 Varsity Ave	0.52	Residential: Single Family
	45	265 Mather Ave	0.48	Residential: Single Family
39	4	3706 Brunswick Pike	0.64	Residential: Multifamily
	5	262 Washington Road	0.36	Vacant Building
	7	258 Washington Road	0.56	Residential: Two Family
	16	265 Varsity Road	0.54	Residential: Single Family
	27	264 Washington Road	0.62	Gas Station
Total Area			5.41	

Figure 2: Existing Land Uses





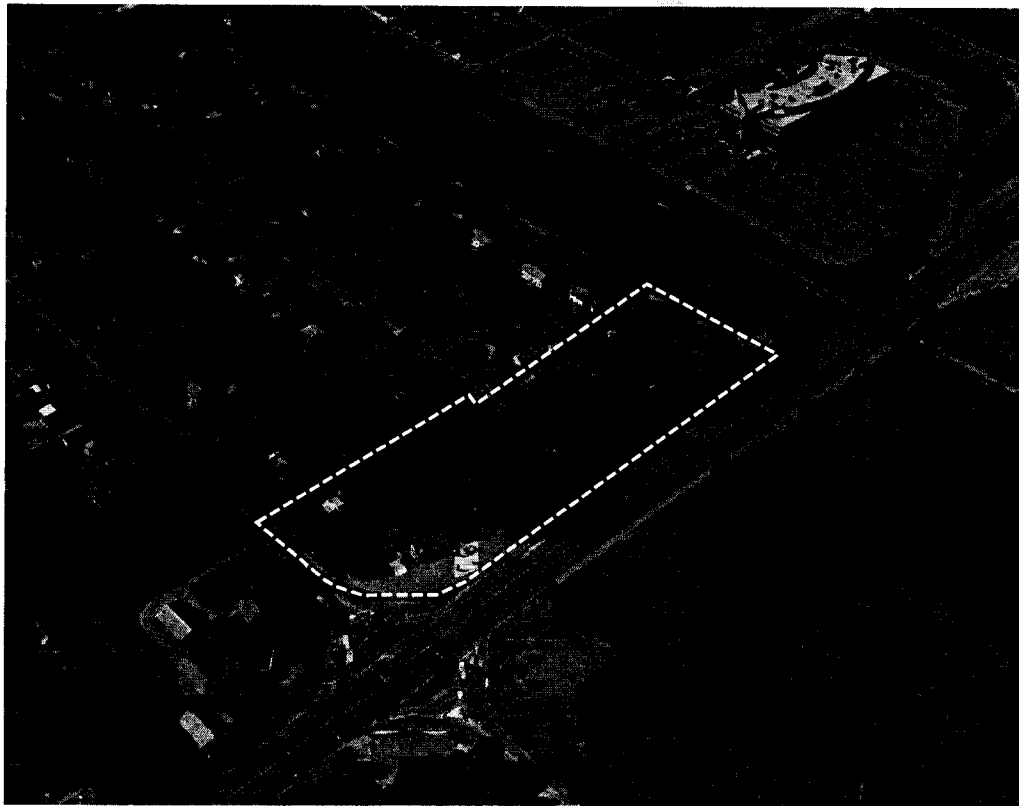
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### 2.3: Surrounding Properties

Surrounding land uses are varied and consist of:

1. A house of worship, farmland, a retail building, and an abandoned gas station to the northwest and north;
2. Single-family dwellings and the SRI office campus to the northeast;
3. Single-family dwellings to the east;
4. And single-family dwellings and the University Square (Black Rock Building) office development to the southwest.

Map 1: Birds Eye Aerial of Redevelopment Area



Source: Google Maps (Note: Boundary Line Approximate, N.T.S.)



Source 1: Orthophotography from NGIN Warehouse 2015.  
 Source 2: Parcel data from NGIN Warehouse, Mercer County  
 Source 3: Street Data from NDDI.

	<b>Overview of Redevelopment Area</b>		Project No. <b>3576.25</b>	Date <b>09.10.19</b>	Drawn <b>DN</b>
	Project Title <b>Area in Need of Redevelopment Study</b> <small>TOWNSHIP OF WEST WINDSOR   MERCER COUNTY, NEW JERSEY</small>		Scale <b>1" = 100'</b>	Drawing No. <b>overview</b>	
Design Firm <b>BURGIS ASSOCIATES, INC.</b> <small>COMMUNITY PLANNING   LAND DEVELOPMENT AND DESIGN   LANDSCAPE ARCHITECTURE</small> <small>25 Westwood Avenue</small> <small>Westwood, New Jersey 07875</small> <small>p. 201.666.1811</small> <small>f. 201.666.2399</small>		Legend Parcels Redevelopment Area			
<small>2019 COPYRIGHT B.A. - NOT TO BE REPRODUCED</small>					

## Section 3: Redevelopment Plan Details

The following section identifies the goals and regulations which are intended to serve as the basis of the Route 1 Penns Neck Business Commercial Redevelopment Area. Specifically, this Redevelopment Plan is designed to facilitate the development of a small-scale neighborhood commercial center which will serve the daily needs of both the local residents of the Penns Neck community as well as those traveling along the US Route 1 corridor. It is also this Plan's intent that the Redevelopment Area serve as an attractive gateway for those entering the Township from both US Route 1 and Washington Road.

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### **3.1: Description of the Route 1 Penns Neck Business Commercial Redevelopment Area**

The Route 1 Penns Neck Business Commercial Redevelopment Area shall constitute Block 38 Lots 1, 2, 3, 25, and 45; and Block 39 Lots 4, 5, 7, 16, and 27.

It shall also encompass the portion of the Varsity Avenue right-of-way located between Block 38 and Block 39, as well as the portion of the Mather Avenue right-of-way located between Block 38 and Block 6 Lot 1 to the west.

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### **3.2: Goal**

The goal of the Route 1 Penns Neck Business Commercial Redevelopment Area is to facilitate the development of a small-scale neighborhood commercial center which shall serve the daily needs of both the local residents of the Penns Neck community as well as those traveling along the US Route 1 corridor. It is also this Plan's intent that the Redevelopment Area serve as an attractive gateway for those entering the Township from both US Route 1 and Washington Road.

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### **3.3: Permitted Principal Uses**

The following uses shall be permitted as principal uses within the Route 1 Penns Neck Business Commercial Redevelopment Area:

1. A convenience store in conjunction with a gasoline service station with hours of operation limited to 5:00 am to midnight.
2. Banks and financial institutions, with or without drive-throughs.
3. Pharmacies, with or without drive-throughs.
4. Retail sales and services.
5. Urgent care services, including emergency outpatient services.
6. Personal services.
7. Medical and professional offices.
8. Cafés, with or without drive-throughs, provided that they are not in excess of 2,500 square feet.

9. Senior day care, which is defined as a non-residential facility providing care for the elderly and/or functionally impaired adults in a protective environment. Operators shall be licensed as required by the State of New Jersey as applicable to operate and offer services such as providing meals, social services, recreational outings and trips, physical therapy, general supervision, and support. Senior day care centers may not provide services to participants for longer than twelve (12) hours in a day.

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### **3.4: Permitted Accessory Uses**

The following shall be permitted as accessory uses in the Route 1 Penns Neck Business Commercial Redevelopment Area:

1. Off-street parking and loading.
2. Signs.
3. Street furnishings, planters, street lights, and exterior garden type shade structures (gazebos).
4. Fences and walls, which shall complement the architectural style, type, and design of the building and the overall project design.
5. A static community landmark feature which shall serve as a gateway to the Township.
6. High speed electric vehicle charging stations.
7. Accessory uses customarily incidental to permitted principal uses.

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### **3.5: Prohibited Uses**

Any use or structure other than those uses or structures permitted in Sections 3.3 and 3.4 above shall be prohibited.

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### **3.6: Intensity, Bulk, and Other Regulations**

The following shall be the standards of the Route 1 Penns Neck Business Commercial Redevelopment Area:

1. **Minimum Tract Area:** The entirety of the district, which shall be planned and developed in a comprehensive manner as a single integrated entity with one development application showing the proposed development for the entire district.
2. **Minimum Setbacks for Principal Buildings.**
  - a. Setback from US Route 1: 40 feet, with a minimum 15-foot landscape buffer, as measured after any road dedication by either fee simple easement or conveyance.
  - b. Setback from Washington Road: 40 feet, with a minimum 25-foot landscape buffer, as measured after any road dedication by either fee simple easement or conveyance.
  - c. Side and Rear Yard: 50 feet, as measured from the district boundary line.

3. Yards Abutting Residential Properties: Yards abutting residential properties shall have a minimum setback of 100-feet with a minimum 40-foot wide landscape buffer, as measured from the district boundary line. The buffer shall have a berm of no less than twelve (12) feet in height, topped by an eight (8) foot high fence constructed of highly effective sound-deadening material, or an equivalent combination of berm, wall, and/or fence.
4. Maximum FAR. The maximum permitted FAR shall be 0.13.
5. Maximum Improvement Coverage: 60%.
6. Maximum Building Height: 2.5 stories or 35 feet.
7. Setbacks for Buildings with Drive-Throughs.
  - a. Minimum distance between any drive-through building and any residence district: 100 feet.
  - b. Minimum distance between any drive-through access driveway and any residence district: 50 feet.
8. Number of Fueling Stations: Gasoline service stations shall not have more than sixteen (16) fueling stations, exclusive of any high speed electric vehicle charging stations. A fueling station shall be defined as a location that can accommodate one (1) vehicle fueling at a time. Stand-alone diesel fueling stations are prohibited.
9. Garbage and recycling collection shall be restricted to the hours of 6:00 am to 8:00 pm.

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### **3.7: Building and Design Layout**

1. The material and design of façades of buildings and structures shall relate to one another to the greatest extent possible in order to promote a visually cohesive environment. Buildings should reflect a continuity of treatment throughout the district, obtained by: maintaining base courses; maintaining cornice lines in buildings of the same height; extending horizontal lines of fenestration (windows); and reflecting architectural style and details, design themes, building materials and colors used in surrounding buildings to the greatest extent possible. Fenestration shall be provided on each building façade to the extent practical.
2. Pitched roofs (6/12 to 12/12) and mansard roofs are encouraged for buildings. Exposed flat roofs shall be allowed if the architectural detail, style, proportion and massing is complementary of adjacent structures; and further provided that buildings may have flat roofs only if all rooftop mechanical equipment are screened from public view.
3. The roof of the gas station canopy shall be sloped. The columns of the canopy shall be designed with decorative materials which shall match those materials used for the buildings on site. Solar panels are encouraged on the roof of the canopy.
4. Decorative pavers to distinguish pedestrian areas and routes as well as traffic control areas shall be required.

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### 3.8: Permitted Signage

In lieu of §200-32, the following shall apply:

1. Signage shall be designed in a manner complementary to the building's architecture and in keeping with a visually cohesive environment.
2. Wall signage.
  - a. One wall sign shall be permitted per business for each front business façade and each rear or side business façade.
  - b. The following types of wall signs shall be permitted:
    - i. Internally lit raised letters with concealed ballast.
    - ii. Back-lit raised letters with concealed ballast.
    - iii. Signage board with gooseneck lighting.
    - iv. Individual cut letters with gooseneck lighting.
  - c. The maximum sign area shall be the square footage calculated by taking 90% of the linear business frontage, with a maximum of 75 square feet.
  - d. Letters may project a maximum of eight inches.
  - e. Wall signs shall not be permitted above the roofline.
3. Street address signage.
  - a. Street address signage shall be provided on each building for each individual tenant.
  - b. Street address numbers shall have a maximum height of eight inches.
4. Ground-mounted project/tenant identification signage.
  - a. One (1) ground-mounted project/tenant identification sign shall be permitted along the US Route 1 frontage.
    - i. The maximum sign area shall be seventy-two (72) square feet.
    - ii. The maximum sign height, including structure and sign area, shall be twenty (20) feet above existing grade.
    - iii. The base of the sign shall be constructed of materials that are consistent with the building architecture and shall be landscaped with plantings.
    - iv. If lighted, the sign shall be lit by direct, external light sources, internally illuminated letters/logos, or back-lit raised letters/logos.
    - v. Mounting hardware shall be hidden from view.
  - b. One (1) ground-mounted project identification sign shall be permitted along the Washington Road frontage.
    - i. The maximum sign area shall be sixty-four (64) square feet.
    - ii. The maximum sign height, including structure and sign area, shall be eight (8) feet above existing grade.

- iii. The base of the sign shall be constructed of materials that are consistent with the building architecture and shall be landscaped with plantings.
  - iv. If lighted, the sign shall be lit by direct, external light sources, internally illuminated letters/logos, or back-lit raised letters/logos. Gasoline prices may be permitted to be displayed with LED lighting.
  - v. Mounting hardware shall be hidden from view.
5. Ground-mounted gas station service signage.
- a. In addition to the above identified signage, one (1) ground-mounted gas station service sign along the US Route 1 frontage shall be permitted for gas service station use only.
  - b. The maximum sign area shall be one hundred and thirty (130) square feet for a ground-mounted gas station service sign, inclusive of gas pricing panels.
  - c. The maximum sign height, including the structure and sign area, shall be twenty-five (25) feet above existing grade.
  - d. The base of the sign shall be constructed of materials that are consistent with the building architecture and shall be landscaped with plantings.
  - e. If lighted, the sign shall be lit by direct, external light sources, internally illuminated letters/logos, or back-lit raised letters/logos. Gasoline prices may be permitted to be displayed with LED lighting.
  - f. Mounting hardware shall be hidden from view.
6. Awnings.
- a. One (1) sign with lettering per business shall be permitted on an awning.
  - b. Logos shall be permitted on all awnings, provided that:
    - i. The letter and logo height do not exceed 50% of the diagonal portion of the awning.
    - ii. The letter and logo area do not exceed 15% of the area of the diagonal portion of the awning.
    - iii. The letter and logo height on a vertical flap do not exceed eight inches.
  - c. Awnings shall be aesthetically compatible with the building and consistent with each other.
  - d. Awnings shall be kept in good order and repair.
7. Gas station canopy signage.
- a. A maximum of two (2) canopy signs shall be permitted.
  - b. Canopy signs shall only be permitted on canopy façades facing a public street.

- c. The width and height of the canopy sign shall not exceed the width and height of the canopy façade to which it is attached.
- 8. Window lettering and signs. Window lettering and signs shall be permitted, provided that they:
  - a. Are inside the window.
  - b. Do not exceed 15% of the window area.
  - c. Pertain only to the establishment occupying the premises where the window is located.
  - d. Shall have a professional appearance.
- 9. Instructional Signage.
  - a. Instructional wall and ground signs are permitted.
  - b. The maximum number shall be determined by safety considerations.
  - c. The maximum instructional sign area shall be two square feet.
- 10. Flag poles
  - a. Freestanding flag poles shall be permitted for the district, excluding commercial messages.
  - b. The flagpole shall be no taller than twenty-five (25) feet measured from existing grade.
  - c. The maximum flag area shall be fifteen (15) square feet.
  - d. Flag signs shall be kept in good order and repair. All flags shall be maintained and/or flown in accordance with applicable federal law, regulation, and/or protocol.
- 11. Static Community Landmark Feature
  - a. One (1) static community landmark feature shall be permitted along the US Route 1 frontage, the purpose of which shall be to serve as a gateway feature for the Township. No on-site or off-premises advertising shall be permitted on this feature.
  - b. The site plan shall delineate an area of no greater than twelve (12) feet by twelve (12) feet wherein a static community landmark feature shall be permitted to be placed.
  - c. The static community landmark feature shall be setback from US Route 1 further than any on-site ground-mounted project/tenant identification signs and/or ground-mounted project identification signs located within one hundred (100) feet along US Route 1 in the redevelopment area.
  - d. The static community landmark feature may have up to two (2) display faces.



- e. The height and size of the static community landmark feature shall be determined relative to the design of the sign and the structure as a whole, balancing: visibility; its scale relative to adjacent signs and buildings; the architectural design of the sign structure; and the relationship to other nearby elements along the road. The height shall not exceed fifteen (15) feet.
- f. The design of the static community landmark feature shall incorporate visual art or architectural elements and architectural structure with its visual messaging function, thereby creating a unique or distinctive architectural design. It shall incorporate one or more of the following architectural elements: natural or reproduced stone, wood, brick, ornamental iron or decorative steel. It shall also complement the overall building design and site layout of the redevelopment area, as well as the neighborhood, to the greatest extent feasible.

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### **3.9: Road Vacation Plan**

Portions of Varsity Avenue and/or Mather Avenue public right-of-way that lie within the Redevelopment Area may be vacated by the Township, in its discretion. Any such right-of-way vacation shall preserve a remaining utility easement for all utilities located within the vacated right-of-way and easement for public access, the timing and parameters of which will be set forth in a Redevelopment Agreement by and between the Township and a designated redeveloper.

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### **3.10: Site Plan Application**

Potential redevelopers will be required to enter into a Redevelopment Agreement with the Township for the purpose of setting forth such details as the Township and such redeveloper may agree regarding the development or redevelopment of the Redevelopment Area. No application for development or redevelopment of property subject to this Redevelopment Plan may be filed with the Planning Board until the applicant has been designated, by the Township, as the redeveloper and the applicant has entered into a Redevelopment Agreement with the Township. Alternatively, any application filed with the Planning Board regarding development or redevelopment of property subject to this Redevelopment Plan shall be subject to the conditions that the applicant be so designated and enter into such Redevelopment Agreement.



## Section 4: Consistency to Other Plans

The following section identifies the relationship of this Redevelopment Plan to the Township's Master Plan, as well as the Township of Plainsboro Land Use Plan, the Mercer County Master Plan, the State Development and Redevelopment Plan, and the Draft State Strategic Plan.

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### 4.1: Township of West Windsor Master Plan

As per the Township's most recent Land Use Plan, which was adopted in 2002 and most recently amended in 2019, the entirety of the Route 1 Penns Neck Business Commercial Redevelopment Area is located in the Low Density Residential (R-2) land use category. As noted by the Land Use Plan, the purpose of this land use category is to recognize residential areas where conventional single-family lots of one-acre have been developed. It should be noted that this land use designation is actually inconsistent with the Township's zoning map, which places the area in the R-20 District.

In addition, the Land Use Plan includes the following land use recommendations which are pertinent to the Redevelopment Area.

### Goal A:

Achieve a desirable balance of nonresidential, residential, open space, recreational, cultural, civic and agricultural uses.

**Policy 3:** Pursue opportunities to achieve a greater balance of nonresidential to residential land use in appropriate areas of the Township.

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**Policy 6:** Promote adequacy, variety, and convenience of shopping for local residents by providing for community scale neighborhood/village business centers and convenience service areas. Where practical, improve opportunities for local retail and services, particularly in the southeast portion of the Township, in existing centers or designated locations along arterial roadways.

The Township adopted its most recent Reexamination Report of the Master Plan on May 23, 2018. While the 2018 Reexamination Report did not specifically address the Redevelopment Area, it did recommend that the Township prepare a new and updated land use plan, including detailed planning goals, objectives, and policies statements. In addition, it noted that a new plan should clearly identify the basis for the Township's various land use categories.

While the Route 1 Penns Neck Business Commercial Redevelopment Plan is a departure from the Township's 2002 Land Use Plan, the 2018 Reexamination Report clearly identified the need for a new and updated land use plan that should clearly identify the basis for the Township's land use categories. Furthermore, the Route 1 Penns Neck Business Commercial Redevelopment Plan is consistent with Goal A Policy 3 as it provides a greater balance of nonresidential uses to residential uses. The Plan is also consistent with Goal A Policy 6 as it promotes adequacy, variety, and convenience of shopping for local residents.

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## 4.2: Township of Plainsboro Master Plan

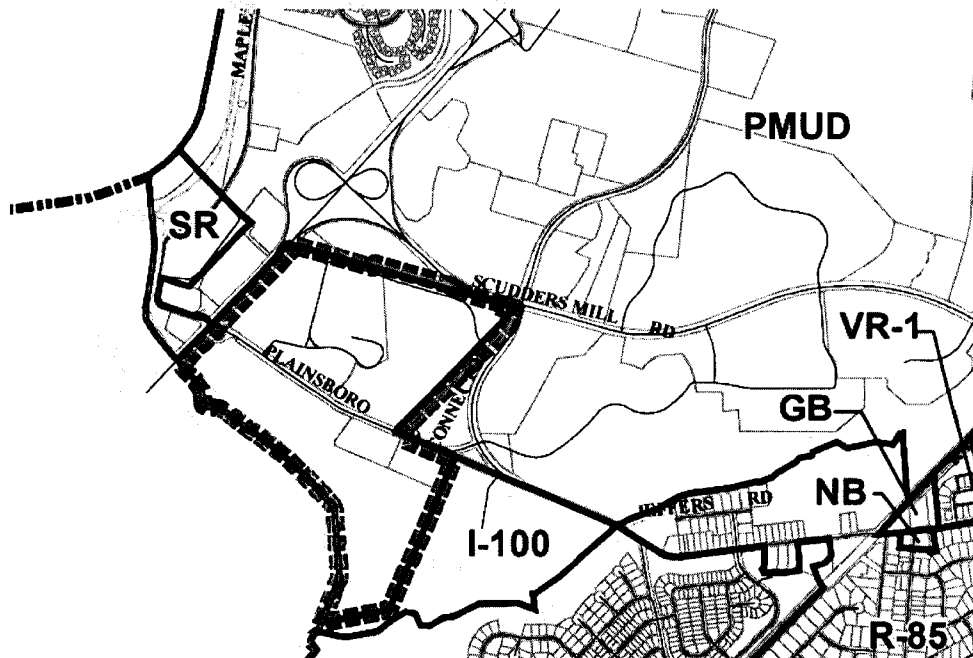
While the Route 1 Penns Neck Business Commercial Redevelopment Area is not located immediately adjacent to West Windsor's shared municipal border with the Township of Plainsboro, the two municipalities nevertheless both contain significant frontage along the US Route 1 corridor near the Millstone River. As such, it is appropriate to examine the relationship of the Route 1 Penns Neck Business Commercial Redevelopment Plan with the Township of Plainsboro's Land Use Plan Element.

Plainsboro's last comprehensive master plan was adopted on January 20, 2009 and was most recently amended on August 20, 2018. As noted by the Land Use Plan Element of the Plainsboro Master Plan, the properties fronting along the US Route 1 corridor between Plainsboro's shared municipal border with West Windsor and the Scudders Mill Road interchange are predominantly located in commercial and office land use categories. Specifically, the following zoning districts are identified in this area:

- ❖ The PMUD Planned Unit Development District, which permits among other uses business and commercial uses;
- ❖ The SR Service Residential District, which permits among other uses home occupations and professional offices;
- ❖ The FMC Corporation/Princeton Healthcare System Redevelopment Area.

These land use categories and zoning districts are not inconsistent with the Redevelopment Plan contained herein, which also envisions business and commercial uses.

Map 3: Township of Plainsboro Zoning Map



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## 4.2: Mercer County Master Plan

The Mercer County Master Plan was adopted by the Mercer County Planning Board on September 8, 2010 and amended in May of 2016. It consists of five (5) elements, each of which have been independently updated on a periodic basis.

The County Plan advocates for a balanced growth alternative, one which:

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*...favors redevelopment of existing built areas and relies on the preservation of open and agricultural land for the success of both new compact, mixed-use centers and linear growth corridors developed with context-rich designs.*

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Accordingly, the Mercer County Master Plan promotes the following broad policies to guide its balanced growth concept:

- ❖ Promote appropriate location and design of new development with opportunities for transit, regional equity (i.e. the practice of seeking to ensure that all individuals and families in all communities can participate in and benefit from economic growth and activity throughout the region<sup>1</sup>) and preservation.
- ❖ Promote redevelopment.
- ❖ Promote desirable compact design that supports transit and promotes walking.
- ❖ Promote land use patterns that limit stormwater runoff and increase green infrastructure.
- ❖ Direct growth to transit corridors and centers.
- ❖ Mix uses to promote walkable communities.

In consideration of the above, the Route 1 Penns Neck Business Commercial Redevelopment Plan is consistent with several of the broad policies of the Mercer County Master Plan. Specifically, due to its location along the US Route 1 corridor, the Plan encompasses an appropriate location for new development. It also features an appropriate design which permits additional economic opportunities while also providing for enhanced landscape buffer areas for neighboring residential uses. Furthermore, the Plan promotes redevelopment as well as a compact design which is supportive of both transit and local access. The Plan will also ultimately promote a land use development which will limit stormwater runoff.

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<sup>1</sup> Blackwell, Angela Glover and Radkhika K. Fox. "Regional Equity and Smart Growth: Opportunities for Advancing Social and Economic Justice in America." 2004. *Funder's Network for Smart Growth and Livable Communities*.

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### 4.3: State Development and Redevelopment Plan

As established by NJSA 52:18A-200(f), the purpose of the 2001 State Development and Redevelopment Plan (SDRP) is to:

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*Coordinate planning activities and establish Statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination.*

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As such, the SDRP establishes a number of goals and strategies related to a number of different topics, including economic redevelopment. One such goal is to revitalize existing urban centers by directing growth and development to those areas. Specifically, the SDRP seeks to revitalize the State's cities and towns by protecting, preserving, and developing the valuable human and economic assets in cities, town, and other urban areas.

As indicated by the SDRP's Policy Map, the Route 1 Penns Neck Business Commercial Redevelopment Area is located within the PA-2 Suburban Planning Area, wherein development and redevelopment is intended to be directed. Specifically, the intent of this Planning Area is to:

- ❖ Provide for much of the state's future development;
- ❖ Promote growth in Centers and other compact forms;
- ❖ Protect the character of existing stable communities;
- ❖ Protect natural resources;
- ❖ Redesign areas of sprawl;
- ❖ Reverse the current trend toward further sprawl, and;
- ❖ Revitalize cities and towns.

Accordingly, the Redevelopment Plan furthers several of the intents of PA-2. It is designed to encourage development and growth in a compact form, while also revitalizing an entryway into the Township.

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#### 4.4: Draft State Strategic Plan

In October of 2011, the Draft State Strategic Plan (SSP) was developed as an update to the current State Development and Redevelopment Plan (SDRP). The intent of the SSP is to increase focus on policies aimed to foster job growth, support effective regional planning, and preserve the State's critical resources. The four overarching goals that serve as the blueprint of the Plan are summarized as follows:

**Goal 1:**  
Targeted Economic Growth.

Enhance opportunities for attraction and growth of industries of statewide and regional importance;

**Goal 2:**  
Effective Planning for Vibrant Regions.

Guide and inform regional planning so that each region of the State can experience appropriate growth according to the desires and assets of that region;

**Goal 3:**  
Preservation and Enhancement of Critical State Resources.

Ensure that strategies for growth include preservation of the State's critical natural, agricultural, scenic, recreation, and historic resources.

**Goal 4:**  
Tactical Alignment of Government.

Enable effective resource allocation, coordination, cooperation, and communication amongst governmental agencies on local, regional, and state levels.

Unlike the existing SDRP, the SSP does not contain any mapping. Thus far in its draft form, the SSP appears to have a greater emphasis on the State's overall economic framework and provide information and goals for New Jersey's various industry clusters.

The Draft Final Plan was approved by the State Planning commission on November 14, 2011 by Resolution No. 2011-08. However, it has not yet been formally adopted by the State.

In consideration of the above, the Redevelopment Plan contained herein is consistent with the Draft SSP. It targets economic growth and advocates for effective growth.





## Section 5: General Provisions

The following section contains the general provisions of the Redevelopment Plan.

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### **5.1: Zoning Map and Ordinance**

This Redevelopment Plan shall supersede all use, area and bulk provisions of the Land Use (Chapter 200) ordinances of the Township of West Windsor regulating development on this site. In all situations where development regulations are not specifically addressed herein, the Township of West Windsor Land Use regulations shall remain in effect. Final adoption of this Redevelopment Plan by the Township Council shall be considered an amendment of the Township of West Windsor Zoning Map.

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### **5.2: Site Plan Review**

Any site plan for the construction of improvements within the Redevelopment Area shall be submitted to the Planning Board in accordance with the Township of West Windsor Land Use regulations, Chapter 200, of the Township Code.

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### **5.3: Amendments to the Redevelopment Plan**

This Redevelopment Plan may be amended from time to time as provided by the LRHL.

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### **5.4: Severability**

Should any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.

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### **5.5: Deviation Requests**

The Planning Board and the Zoning Board of Adjustment are authorized to grant variances from the building and use requirements contained in this Plan in accordance with the jurisdictional authority stipulated in the Municipal Land Use Law at NJS 40:55D-60 and 40:55D-70.

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## Section 6: Summary of Compliance

In accordance with the LRHL (NJSA 40A:12A-1 et seq.), the following statements are offered regarding compliance with the requirements of a redevelopment Plan.

1. *Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.*

The Redevelopment Plan contained herein has delineated a definite relationship to local objectives as to appropriate land uses, transportation and utilities, recreational and community facilities, and other public improvements.

2. *Proposed land uses and building requirements in the project area.*

The Redevelopment Plan contained herein outlines the proposed land uses and building requirements for the Redevelopment Area.

3. *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 to them in the existing local housing market.*

Relocation, temporary or permanent, of residents and/or businesses displaced as a result of the implementation of this Redevelopment Plan shall be carried out by the Township, or such entity designated by the Township (Relocation Entity), in accordance with the provisions of the State of New Jersey Relocation Assistance Law of 1967 (NJSA 52:31B-1 et seq.) and the Relocation Assistance Act of 1971 (NJSA 20:4-1 et seq.), the rules promulgated thereunder, and a State-approved Workable Relocation Assistance Plan (WRAP) for the Redevelopment Area.

It is estimated that adequate opportunities for the relocation of residents and/or businesses currently located within the Redevelopment Area are available in the immediate region. The Relocation Entity will seek to identify potential new locations for residents and/or businesses, if applicable, that may be displaced as a result of the implementation of this Redevelopment Plan.

4. *An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.*

This Redevelopment Plan authorizes the Township to acquire any of the properties within the Redevelopment Area, including acquisition of fee interest or such lesser interest as may be necessary to effectuate the implementation of this Redevelopment Plan, or to eliminate any restrictive covenants, easements or similar property interests that may obstruct or undermine the implementation of this Redevelopment Plan. The Township may effectuate such acquisition by exercising the power of eminent domain, if necessary, in addition to other methods generally permitted by applicable law.

5. *Any significant relationship of the redevelopment to: the master plans of contiguous municipalities; the master plan of the county in which the municipality is located; and The State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L. 1985, c.398 (C.52:18A-196 et al.)*

The Redevelopment Plan is consistent with the Township of Plainsboro Land Use Plan as it relates to the portion of the US Route 1 Corridor near its shared municipal border with the Township of West Windsor. It also advances the goals and objectives of the Mercer County Master Plan, the New Jersey State Development and Redevelopment Plan, and the draft State Strategic Plan.

6. *As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to Section 4 of P.L.1985, c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.*

No low- or moderate-income households are proposed to be removed with this Redevelopment Plan.

7. *A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last eighteen (18) months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan.*

No low- or moderate-income households are proposed to be removed with this Redevelopment Plan.

# Appendix

DRAFT

## 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; and
- WHEREAS, by Resolution 2019-R090, adopted on April 15, 2019, the Township Council (the “Council”) of the Township of West Windsor (the “Township”) authorized and directed the Planning Board of the Township (the “Planning Board”) to conduct a preliminary investigation of the area including Block 38, Lots 1, 2, 3, 25 and 45, and Block 39, Lots 4, 5, 7, 16 and 27 on the Official Tax Map of the Township (collectively, 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, in Resolution 2019-R090, the Council provided that, if the Study Area is ultimately designated as an area in need of redevelopment, then the Township shall be authorized to use all the powers provided under the Redevelopment Law for use in a redevelopment area, including the power of eminent domain; and
- WHEREAS, the Planning Board caused Burgis Associates (the “Planning Consultant”) to conduct a preliminary investigation to determine whether the Study Area should be designated an area in need of redevelopment; and
- WHEREAS, the Planning Consultant conducted such investigation and prepared a report, dated July 3, 2019 and entitled “Route 1 Penns Neck Area in Need of Redevelopment Study” (the “Report”); and
- WHEREAS, the Planning Board conducted a public hearing on the matter on July 24, 2019; and
- WHEREAS, the Planning Consultant concluded in the Report, and David Novak, on behalf of the Planning Consultant, testified before the Planning Board on July 24<sup>th</sup>, that the following properties meet the following criteria, set forth in N.J.S.A. 40A:12A-5, for redevelopment area designation:

Block 38, Lot 2 – criteria N.J.S.A. 40A:12A-5a and b; and  
Block 39, Lot 5 - criteria N.J.S.A. 40A:12A-5a, b and d; and  
Block 39, Lot 27 – criterion N.J.S.A. 40A:12A-5d; and

WHEREAS, the Planning Consultant also concluded that the following properties should be designated as an area in need of redevelopment, under N.J.S.A. 40A:12A-3, because their inclusion is necessary for the effective redevelopment of the area, although they do not meet criteria set forth in N.J.S.A. 40A:12A-5:

Block 38, Lot 3; and  
Block 39, Lot 4; and

WHEREAS, the Planning Consultant concluded that the balance of the Study Area, including the following properties, do not meet criteria set forth in N.J.S.A. 40A:12A-5:

Block 38, Lot 1;  
Block 38, Lot 25;  
Block 38, Lot 45;  
Block 39, Lot 7;  
Block 39, Lot 16; and

WHEREAS, the Planning Consultant recommended, therefore, that such properties not be designated as an area in need of redevelopment and, instead, recommended that the Township re-zone such properties, under the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.* (the "MLUL") to reflect more appropriate uses in light of the area's gateway opportunity; and

WHEREAS, the Planning Board considered the Report, the testimony offered by Mr. Novak and comments from members of the public, then the Planning Board voted, unanimously, to recommend that the Township designate the entire Study Area as an area in need of redevelopment; and

WHEREAS, the Planning Consultant recommended that Block 38, Lot 3 and Block 39, Lot 4 be designated as an area in need of redevelopment, even though they do not exhibit conditions that meet criteria set forth in N.J.S.A. 40A:12A-5, because their location relative to other lots that did exhibit such conditions (ie, Block 38, Lot 2 and Block 39, Lots 5 and 27), make it necessary to include Block 38, Lot 3 and Block 39, Lots 4 and 5 to create a contiguous parcel that a redeveloper can effectively redevelop; and

WHEREAS, the Planning Board agreed with the Planning Consultant, however, the Planning Board also found that including Block 38, Lot 1 will, in addition, present an area with more frontage along the Route 1 corridor; and

- WHEREAS, the Planning Board concluded, therefore, that Block 38, Lot 1 should also be included because it is necessary to effectively redevelop the overall area; and
- WHEREAS, the Planning Board also found that the parcels along Route 1 are shallow, particularly for properties fronting on a major highway; and
- WHEREAS, the Planning Board concluded, therefore, that the inclusion of Block 38, Lots 25 and 45, and Block 39, Lots 7 and 16 is necessary to effectively redevelop the area because they will, when coupled with properties fronting on Route 1, create an overall depth that will encourage more comprehensive, better-planned redevelopment; and
- WHEREAS, the Planning Consultant recommended that the parcels not fronting on Route 1 could be re-zoned, through conventional re-zoning under the MLUL, that would complement the re-zoning undertaken under the Redevelopment Law, in order to accomplish the goal of effectively redeveloping the entire Study Area; and
- WHEREAS, the Planning Board believes, however, that there is no practical difference between, on the one hand, redeveloping a portion of the Study Area and conventionally re-zoning the other portion thereof and, on the other hand, re-zoning the entire Study Area under the Redevelopment Law; and
- WHEREAS, finally, the Planning Board found that the majority of the parcels in the Study Area are already owned by the same party, and most of the rest of the parcels are owned by another party; and
- WHEREAS, the Planning Board concluded that common ownership of the vast majority of the parcels in the Study Area lends itself to redevelopment under the Redevelopment Law, rather than conventional re-zoning under the MLUL; and
- WHEREAS, after the July 24, 2019 Planning Board hearing, McManimon, Scotland & Baumann, LLC, on behalf of the Planning Board, prepared a memorandum, dated August 20, 2019, detailing the Planning Board's findings and recommendations (the "Planning Board Memorandum"); and
- WHEREAS, the Council concurs with the Planning Board's findings, that Block 38, Lot 2, and Block 39, Lots 5 and 27 meet the above-referenced criteria set forth in N.J.S.A. 40A:12A-5 and should be designated as an area in need of redevelopment, for the reasons set forth in the Report, at the hearing on July 24, 2019 and in the Planning Board Memorandum; and



WHEREAS, the Council further concurs with the Planning Board's findings that, although Block 38, Lots 1 and 3, and Block 39, Lots 4, 7, and 16 do not meet criteria set forth in N.J.S.A. 40A:12A-5 for redevelopment area designation, such properties should be so designated, under N.J.S.A. 40A:12A-3, because their inclusion in the area is necessary for the effective redevelopment of the Study Area, for the reasons set forth in the Report, at the hearing on July 24, 2019 and in the Planning Board Memorandum.

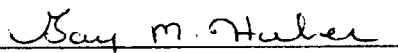
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, that the area including Block 38, Lots 1, 2, 3, 25 and 45, and Block 39, Lots 4, 5, 7, 16 and 27 on the Official Tax Map of the Township is hereby designated as an area in need of redevelopment under the Redevelopment Law.

BE IT FURTHER RESOLVED that the Township shall be authorized to use all the powers provided under the Redevelopment Law for use in a redevelopment area, including the power of eminent domain.

BE IT FURTHER RESOLVED that the Planning Board is hereby directed to prepare a redevelopment plan for the Redevelopment Area, and submit same to the Council, pursuant to N.J.S.A. 40A:12A-7e.

Adopted: September 3, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 3rd day of September 2019.

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