

**WEST WINDSOR TOWNSHIP PLANNING BOARD
RESOLUTION NO. 2011- 01 _____**

**A RESOLUTION OF REFERRAL AND RECOMMENDATION
PURSUANT TO N.J.S.A. 40:55D-26 and N.J.S.A. 40A:12A-7
CONCERNING THE PRINCETON JUNCTION RE-DEVELOPMENT PLAN
DISTRICT 1 AS DESIGNATED BY THE WEST WINDSOR TOWNSHIP
COUNCIL**

WHEREAS, the West Windsor Township Council designated a re-development area pursuant to the Local Re-development and Housing Act located at N.J.S.A. 40A:12A-1 in December of 2005 designating a portion of the Township's RP-1 Zoning District as District 1 of the re-development area; and

WHEREAS, District 1 is comprised of a 24.4 acre property within the 350 acre site surrounding the Princeton Train Station which property is owned by IC/ LA Washington Road, L.L.C. (hereinafter referred to as "Intercap"); and

WHEREAS, subsequent to the re-development zone designation, Intercap instituted litigation against the Township and the Township Planning Board challenging both the re-development designation and the re-development plan; and

WHEREAS, the West Windsor Township Council has engaged in negotiations with Intercap culminating in a proposed settlement agreement and developer's agreement; and

WHEREAS, the Township Council has referred the implementing ordinances referenced in and made part of the settlement and re-developer's agreement and entitled Ordinance 2011-4 and 2011-5 which were introduced by the West Windsor Township Council pursuant to the proposed settlement for a referral from the Planning Board pursuant to N.J.S.A. 40:55D-26 and N.J.S.A. 40A:12A-7; and

WHEREAS, the purpose of the Planning Board's review pursuant to the above-referenced statutes is to identify any potential inconsistencies between the Ordinances and the Township Master Plan and to review the Ordinances and accompanying pattern book in view of the vision, goals and regulatory framework of the 2009 Re-development Plan; and

WHEREAS, the West Windsor Township Planning Board has conducted its review process at its regular meeting on February 23, 2011 and at a special meeting on March 2, 2011; and

WHEREAS, the Board has limited its review and comments herein to proposed Ordinance 2011-5 as such is the effective implementing Ordinance barring any failure of the settlement agreement according to its terms;

NOW THEREFORE, be it resolved by the West Windsor Township Planning Board as follows:

1. After careful review and consideration of the Board Professional's reports and in view of the Board's familiarity with the West Windsor Township Master Plan and the Princeton Junction Re-development Plan, the Board finds that the proposed implementing Ordinance is inconsistent with the Master Plan as it includes the Princeton Junction Re-development Plan and the espoused intent, purpose and goals of the plan related to District 1.

2. BE IT FURTHER RESOLVED by the Board that the Board makes the following recommendations in order to resolve the proposed implementing Ordinance's perceived inconsistency with the Princeton Junction Re-development Plan which has been adopted as part of the West Windsor Township Master Plan:

a. Goal 1 in the Re-development Plan states that the Plan will result in development which is tax positive or tax neutral. The Planning Board recommends that the Township Council obtain a developed and updated fiscal impact report in order to establish that the development regulation which is proposed will result in a tax positive or tax neutral financial impact upon the municipality;

b. Goal 3 of the Re-development Plan requires compliance with COAH growth share requirements. While the Board recognizes that the Growth Share requirements are no longer valid, it also recognizes that it is likely to be replaced by a 10% - 20% affordable housing share requirement. The proposed implementing Ordinance and agreement require a 5% share of affordable housing or inclusionary housing units on site. The Planning Board recommends that the agreement and implementing Ordinance be modified to require the developer of District 1 to satisfy any and all inclusionary housing requirement which may be imposed upon West Windsor Township pursuant to then existing regulation entirely on site. Such a requirement will thereby ensure that West Windsor Township will not be exposed to any future costs and/or expense associated with satisfying any inclusionary housing requirements generated by present or future regulation as a result of the development of District 1;

c. Goal 11 of the Re-development Plan states that no streets will cross through the Promenade leaving a continuous open space within the Promenade. The proposed implementing Ordinance provides and permits cross streets within the Promenade. The Planning Board recommends that the cross streets be eliminated to preserve the intended character of the Promenade.

d. Goal 11 of the Re-development Plan prohibits new single story single use structures. The Planning Board recognizes that the proposed implementing Ordinance would permit a single story retail and restaurant building on the Promenade, as well as, a single story retail kiosk. The Planning Board recommends that the goals of the Re-development Plan be modified in order to permit the proposed single story structures as the Board Members recognizes the merit of the Board Planner's recommendation that such use will enhance the architectural and aesthetic appearance of the development.

e. Goal 13 of the Re-development Plan prohibits residential market units with more than two bedrooms. The proposed implementing Ordinance provides for an "average" of two bedrooms. The Planning Board recommends that the implementing Ordinance be modified to require that all market rate units contain a maximum of two bedrooms in order to avoid an unintended parking and traffic impact which may be posed by units with 3 or more bedrooms and in order to provide certainty as to the types of housing units which will be developed within the District.

f. The Board recognizes that one of the overall goals of the Re-development Plan was to provide appropriate retail in the proposed transit village. The Board recognizes that the proposed implementing Ordinance and settlement agreement provide for a minimum of 70,000 square feet of retail space with a maximum of 147,000 square feet of retail space. The Board recommends modification of the implementing Ordinance to ensure the development of significantly more retail space in order to further promote satisfaction of the Re-development Plan goals and the future success of the Promenade/Shared Use road.

g. The Board recognizes that the proposed implementing Ordinance and Re-development Plan currently provides for a shared road concept which has been referred to often as the Promenade. Based on the recommendations of the Board's Traffic Engineer and in view of the Board's concerns regarding traffic, the Planning Board recommends that the implementing Ordinance be modified to permit and require a more typical Main Street concept with a dedicated cart way, and pedestrian and bicycle paths. The Board does not believe that it is ultimately necessary to establish such separation with curbing and suggests that the modified goals may be achieved through creative development techniques including traffic calming devices and other physical separation. The Board also recommends that the shared use road concept be optional.

h. The Board recognizes that the proposed implementing Ordinance and Re-development Plan currently provides for sign regulation which is not in accordance with existing sign regulation applicable throughout the Township. The Board recommends that the proposed Ordinance be

modified to require compliance with the existing Township sign regulation which is currently applicable to signage throughout the Township and as modified from time to time by the Township Council.

The Board specifically makes no recommendation and has not considered the proposed consistency or inconsistencies presented by Ordinance 2011-4 as the effectiveness of such is premised upon elimination of the Re-development District and a reversion to traditional zoning.

I hereby certify that the above is a true copy of the resolution adopted by the Planning Board of the Township of West Windsor at a special meeting on February 23, 2011 and March 2, 2011.

DATED:



DIANE HURLBURT, SECRETARY
West Windsor Township Planning Board

DATED:



MARVIN GARDNER, CHAIRMAN
West Windsor Township Planning Board