



WEST WINDSOR TOWNSHIP

DEPARTMENT OF COMMUNITY DEVELOPMENT DIVISION OF ENGINEERING

MEMORANDUM

TO: West Windsor Township Planning Board

FROM: Francis A. Guzik, PE, CME
Director of Community Development/Township Engineer

DATE: November 3, 2021

SUBJECT: **Ellsworth Realty Associates, LLC**
Amended Preliminary and Final Site Plan w/ Bulk Variance
Block 5, Lots 20, 20.01, 20.02, 20.03, 20.04, 62, 66 and 76
#15-25 Cranbury Road (CR 615) @ Princeton Hightstown Road (CR 571), NJSH Route 64
PB 18-06AM

Documents Received/Reviewed:

The following documents have been submitted for review:

- A. Set of site plans entitled "Preliminary and Final Major Site Plan – Ellsworth Center Redevelopment – Block 5, Lots 20, 62 and 76 – West Windsor Township, Mercer County, New Jersey" prepared by ACT Engineers, Inc. consisting of twenty (20) sheets, dated November 6, 2018, revised through October 26, 2021;
- B. A set of architectural plans prepared by TJB Architects LLC dated November 6, 2018 consisting of the following four (4) sheets:
 - Sheet N-8: Floor Plan & Elevation for Proposed Building N-8;
 - Sheet N-8a: Elevations for Proposed Building N-8;
 - Sheet N-8b: West Elevation for Building N-8, South Elevation for Building E1 (after façade upgrade) and a Material Location Diagram; and
 - Sheet N-9: Floor Plan and Elevation for Building N-9
- C. Report entitled "Stormwater Management Report (Revised Supplementary Calculations) for Ellsworth Center Redevelopment – Block 5, Lots 20, 62 and 76 – West Windsor Township, Mercer County, New Jersey" prepared by ACT Engineers, Inc., dated November 6, 2018, revised through October 26, 2021;
- D. Report entitled "Environmental Impact Summary – Ellsworth Center Redevelopment" prepared by ACT Engineers, Inc., dated April 22, 2013, unrevised;
- E. Report entitled "Addendum - Environmental Impact Summary – Ellsworth Center Redevelopment" prepared by ACT Engineers, Inc., dated October 26, 2021, unrevised;

- F. Report entitled “Water Budget Analysis Report – Lot 66 Wet Pond for Ellsworth Center Redevelopment – Block 5, Lots 20, 62, 66 and 76 – West Windsor Township, Mercer County, New Jersey” prepared by ACT Engineers, Inc., dated October 26, 2021;
- G. Document entitled “Stormwater Management Measures Maintenance Plan and Field Manuals” prepared by ACT Engineers, Inc., dated October 27, 2021;
- H. Development Application Package, including checklists and various submittals.

Narrative:

The applicant seeks to further modify the Ellsworth Center Redevelopment (ECR) site plan originally approved by the Zoning Board of Adjustment (ZBA) under application ZB13-01. At that time Lots 62 and 76 were outside the redevelopment area and in the R-20B district. The ZBA also granted several other forms of relief along with site plan approval, including:

- A d(1) use variance allowing accessory commercial uses (parking lot and stormwater detention basin) on residentially-zoned properties.
- A Floor Area Ratio (FAR) d(4) variance for Lot 20 where 25% is allowed in the RP-7 district and 38% was proposed on Lot 20.
- Maximum Improvement Coverage (MIC) c(2) variances on Lot 20 (84.3%, where 80% is permitted in RP-7 district), Lot 62 (27.9% where 20% is permitted in the R-20B district) and Lot 76 (65.3% versus 20%).

Subsequent to those approvals, the Princeton Junction Redevelopment Plan was amended to add Lots 62 and 76 to the RP-7 district. The applicant then came before the Planning Board (application PB18-06) to seek amendments to the site plan. These included eliminating 10,582 square feet of retail from the basement level of the building E-1 (Lot 20.02) and adding two new buildings (N-8 and N-9) on Lots 62 and 76 with 11,000 square feet of retail space and 10 residential apartments. Also, the stormwater detention basin was changed from a surface basin to an underground system in order to accommodate parking for N-8 and N-9.

Under PB18-06 the basement of Building E-1 was to be utilized as storage space for the future residential tenants of that building. That was subsequently modified by the 400 Steps project (PB20-05) to allow for a quasi-community center use in E-1 serving residents of 400 Steps.

The applicant is now coming before the Planning Board to seek amendment to the PB18-06 approval to allow the elimination of the underground stormwater management system on Lot 62 and instead provide a wet pond for stormwater management on adjacent Lot 66, which is also under the control of the applicant. No other amendments to the previous approval under PB18-06 are indicated or appear to be proposed.

I have reviewed the documentation submitted and offer the following comments:

1.0 General Comments

- 1.01 The plan shows a proposed stormwater management (SWM) facility on Block 5, Lot 66 that is to manage stormwater flows from the Ellsworth Center Redevelopment (ECR) property (Block 5, Lots 20, 62 and 76). The applicant appears to be making use of Code §200-100.4 *Optional locations*:

“Where it can be demonstrated at the time of Planning Board review that such on-site basin location within the zoning district permitting that use is impractical due to engineering feasibility factors, then the Planning Board may permit such basins to be located off-tract and/or out of the zoning district, provided that the following requirements are met:

- A. *All of the conditions noted in this article are met, in addition to § 200-226 [Accessory structures and uses] of this chapter.*
- B. *Location of the basin does not hinder or discourage the appropriate development and use of the property on which it is located or the use of adjacent land and buildings.*
- C. *Permanent access or easement to the basin for maintenance purposes shall be provided.*
- D. *Utilization of other nearby off-tract basin facilities is not feasible or practicable as determined by the Township Engineer.”*

The applicant has met these requirements to the satisfaction of this office through the Technical Review Committee process but will have to demonstrate conformance to the Planning Board’s satisfaction.

- 1.02 Stormwater Summary - The stormwater management design replaces the previously proposed subsurface detention basin (“StormTrap” vault structure) on Lot 62 with a Retention Basin (Wet Pond) on adjacent Lot 66. This design meets required quantity control management for the project as a whole, and provides water quality management for the “redevelopment” portion of the project (Lot 20 improvements). Water quality for the proposed improvements on Lots 62 and 76 is still being addressed with a combination of porous pavement and a “rain garden” bioretention facility Best Management Practice (BMP). In fact, the inclusion of a wet pond now provides 80% TSS reduction for the “redevelopment” portion (Lot 20) of the project and the previously proposed Mechanical Treatment Device is no longer necessary. Finally, groundwater recharge is being addressed with infiltration components associated with the porous pavement and rain garden.
- 1.03 The layout of the stormwater facility and proposed use of same presents the following issues:
 - Ownership/easement/lease agreements for the basin with ECR and potential future owners of Lots 20, 62, 76 and new Lot 66, if all are to remain separate tax parcels. Per State regulations, an individual property owner cannot be made responsible for maintenance of a project’s stormwater facility;
 - Any piped connection to the Lot 66 basin will require the crossing of the 50’-wide flag stem of Lot 15. This will be subject to the approval of all interested parties in Lot 15, including the Township, the County and NJDEP;
 - Any land use procedural issues arising from the incorporation of Lot 66 into the SWM design for the ECR project. This includes potential modifications to the Redeveloper’s Agreement. Further review and commentary on this is deferred to the Board Attorney;
- 1.04 Given the construction and occupation of several of the ZB13-01 new buildings and recent approval of 400 Steps, which modifies the use of the lower level of Building E-1, the applicant should provide an update to the proposed project phasing and construction schedule. With the construction of several new projects on Carlton Place, the realignment of the Cranbury entrance drive is of increasing importance.
- 1.05 I have reviewed the design of the Wet Pond and offer the following comments:
 - a. The area of the permanent pool just meets the minimum threshold of ¼-acre.
 - b. The contributory area to the wet pond (4.73 acres) is far less than the minimum 20 acres required by the NJ Stormwater BMP Manual (BMP Manual). In these cases, the BMP Manual requires that a water budget analysis must be performed that demonstrates the basin’s viability. This analysis was provided as Submission Item F above and concludes that during the typical “dry year” used in the analysis, the maximum surface drop would be less than 2 inches, but concedes that, should there be an extended drought covering the entire months of July and August, that maximum surface level drop could be as much as 9.35 inches. An irrigation “makeup” well is

proposed to be provided to maintain the permanent pool elevation in the event this occurs. I have no objection to this design.

- c. The emergency spillway elevation shall be lowered to provide one-foot of freeboard during the Emergency Spillway Design Storm. Currently only 0.78 feet is provided.
- d. The discharge from the wet pond is at the headwall for the existing ditch to the north of the property. An applicability determination should be obtained from NJDEP to ascertain if this is a regulated feature and if this discharge would require a permit.
- e. The plan should identify where and how maintenance access is being provided. If it is through a portion of Lot 66, the proposed "Basin Easement" must be expanded to include any areas required for access.
- f. The plan should identify how power is going to be provided to the proposed well and the proposed basin aerator. An easement will likely be required.
- g. Metes and bounds descriptions and legal instruments for all required easements shall be submitted for review and approval of the Township Engineer and the Board Attorney.

1.06 I have reviewed the Maintenance Plan for the overall project (Submission Item G) and have the following comments:

- a. The Field Manual for the Wet Pond shall include manufacturer's inspection and maintenance procedures for the aerator and for the impermeable liner. The irrigation well shall also have inspection and maintenance instructions incorporated into the plan.
- b. The Field Manual for the Wet Pond shall set an interval for sediment removal (e.g. 10 years) and provide the proposed procedure for dewatering in accordance with Engineering Standard 14 in the Standards for Soil Erosion and Sediment Control in New Jersey, current edition.

1.07 Other outside agency approvals will also be required. The following are approvals that are anticipated at this time and should be made conditions of any Board action on this application:

- *Mercer County Planning Board*
- *Mercer County Soil Conservation District*
- *Delaware and Raritan Canal Commission*
- *NJDEP (FHA Applicability Determination)*

This completes the review of the submission documents. Other comments may be offered based on the responses to the above issues.

FG:IH

cc: Ian Hill, PE
Ingrid Kohler, LLA (ikohler@actengineers.com)