

Dec 9, 2020 PBd Resolution - File No. PB 19-15



## WEST WINDSOR TOWNSHIP

DEPARTMENT OF COMMUNITY DEVELOPMENT  
DIVISION OF LAND USE

December 21, 2020

Tom Golden  
Mack-Cali Realty Corporation  
Harbourside 3  
201 Hudson Street, Suite 400  
Jersey City, NJ 07311

RE: **PB 19-15**  
Princeton Executive Park (FKA Roseland)  
Preliminary/Final Major Site Plan & Subdivision  
Block 9, Lots 12.01 & 12.03  
Block 9.03, Lot 12.02  
US Rt. 1 North & Meadow Road  
Property Zoned: PMN-1 District

Dear Mr. Golden:

The West Windsor Township Planning Board adopted a Resolution of Memorialization regarding the above-referenced application at its meeting on December 9, 2020.

A copy is attached for your records.

Sincerely,

Lisa Komjati  
Planning Board Secretary

SJS/ik  
Attachment  
c: PB19-15  
Samuel J. Surtees, Manager, Division of Land Use  
Gerald Muller, Planning Board Attorney  
Francis Guzik, Township Engineer, via email  
David Novak, Consultant Planner via email  
J. Burgis, Consultant Planner via email  
Lorraine Jones, Tax Assessor via email  
Dan Dobromilsky, Township Landscape Architect

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NOTICE IS HEREBY GIVEN that the following resolution was adopted by the West Windsor Township Planning Board of Adjustment at its meeting on December 9, 2020. Said determination is on file with the office of the Board Secretary and is available for inspection:

PB19-15 - APPROVED  
Princeton Executive Park  
Preliminary/Final Major Subdivision  
Block 9, Lots 12.01 & 12.03  
Block 9.03, Lot 12.02  
Property Zoned: PMN-1 District

PB17-10AM - APPROVED  
Windsor Oaks  
Amended Preliminary Final Major Subdivision  
Block 34, Lot 4  
Property Zoned: RR/C District

Lisa Komjati  
Administrative Komjati Board Secretary  
12/18/2020 THE TIMES \$13.34

WEST WINDSOR TOWNSHIP PLANNING BOARD

<hr/>	)	FINDINGS OF FACT
In the Matter of the Application of	)	AND
<u>Palladium Realty LLC for Preliminary and</u>	)	CONCLUSIONS OF LAW
<u>Final Major Site Plan and Subdivision</u>	)	
<u>Approval (Phases 1 &amp; 2) and Preliminary</u>	)	File No. PB 19-15
<u>Major Site Plan Approval (Phases 3 &amp; 4)</u>	)	Block 9, Lot 12.01 and Lot 12.03
with Waivers	)	Block 9.03, Lot 12.02
<hr/>	)	Approval granted:
	)	August 26, 2020

Be it resolved by the Planning Board of the Township of West Windsor that the action of this Board on August 26, 2020 in this matter is hereby memorialized by the adoption of this written decision setting forth the Board's findings and conclusions.

BACKGROUND

1. The site ("Site"), consisting of approximately 58.79 acres on Block 9, Lots 12.01 and 12.03, and Block 9.03, Lot 12.02, is located in the northwesterly portion of the Township, near the intersection of US Route 1 and Meadow Road, in the PMN-1 District.
2. Block 9, Lot 12.01, consisting of approximately 25.57 acres and irregularly shaped, comprises the northwesterly portion of the Site, undeveloped and largely farmland with a wooded area near its westerly corner. It is a corner lot with frontage along US Route 1 North, Carnegie Center Drive, Meadow Road Connector, Meadow Road, and an off-ramp connecting Meadow Road to Route 1.
3. Block 9, Lot 12.03, consisting of approximately 5.01 acres, and roughly rectangular in shape, comprises the northeasterly portion of the Site, undeveloped and largely wooded and partially constrained by wetlands. It is a corner lot with frontage along Meadow Road and Meadow Road Connector.

4. Block 9.03, Lot 12.02, consisting of approximately 28.2 acres, irregular in shape, comprises the southerly portion of the Site, undeveloped and containing areas of farmland and wooded areas and a stormwater basin. It is a corner lot with frontage along Meadow Road and Old Meadow Road. Wetland areas exist near its northwesterly and southerly corners, while a flood hazard area is also located near its southerly corner.

5. Surrounding land uses consist of MarketFair, On the Border, Brick House Tavern, Hyatt Place hotel, Residence Inn hotel, and additional commercial uses to the northwest; the Carnegie Center office development to the northeast; open space to the east; and the Square at West Windsor shopping center and the Windsor Woods multifamily development to the south and east.

6. The Site is identified in the Township's Housing Element and Fair Share Plan ("HEFSP") as a site to address the Township's affordable housing obligation. According to the HEFSP, the Township intended to rezone the Site to encourage a mix of uses, including nonresidential, residential, and a limited service hotel. The HEFSP envisioned that 656 dwelling units would be located on the Site, of which 164 would be reserved as affordable units.

#### JURISDICTION AND RELIEF SOUGHT

7. The subject of this application is within the jurisdiction of this Board. The Board acted within the time required by law.

8. The applicant seeks preliminary and final major site plan and subdivision approval for Phases 1 and 2 and preliminary major site plan approval for Phases 3 and 4 of a planned mixed use development consisting of 656 multi-family residential units; a 130-room hotel with liquor license; 16,000 s.f. retail space; and a 6,915 s.f. restaurant (the "Project").

9. The main components of the Project are as follows:

##### Multi-family development

Six hundred and fifty-six dwelling units are proposed, of which 164, equal to 25% required by the ordinance, are to be affordable units. The proposed distribution of bedrooms is a mix of 1-, 2-, and 3-bedroom units.

Twenty-nine residential buildings are proposed. Eight different residential building templates are proposed, with building heights varying from 3 to 4 stories. Their facades will generally consist of brick, fiber cement siding, and metal

panels, with accents of metal and cement. Two clubhouses are also proposed, Clubhouse North, to be located on Block 9, Lot 12.01, and Clubhouse South, to be located on Block 9.03, Lot 12.02.

The architectural plan divides the multifamily portion of the Site into the “north” and “south” areas. The north area will contain 356 units, the south 300 units. The southerly portion will not be constructed until 2025 at the earliest.

#### Hotel and restaurant

A sixty-foot high, 100,673 s.f., five-story hotel is proposed, to be located in the northwesterly corner of the Site. It will contain 130 rooms, with 150 beds, to serve both transient and extended stays. It will offer an indoor pool, meeting room, lounge, dining room, food prep room, and a motion room (fitness center) and have administrative and maintenance spaces. The roof will feature an indoor/outdoor bar area with seating for 210. The façade of the hotel will be mainly Exterior Insulation and Finish Systems (EIFS) finishes of a variety of colors, as well as metal and cement paneling accents.

The proposed 6,915 s.f. restaurant with 250 seating capacity is to lie immediately west of the hotel and be connected to the hotel.

#### Retail buildings

Two retail buildings are proposed to be located in the northwesterly corner of the Site, each to have a footprint of 8,000 s.f.

#### Subdivision

Block 9, Lot 12.01 is to be subdivided. Proposed Lot 12.011 will be approximately 4.13 acres and will contain the hotel and restaurant. The remainder of Lot 12.01, proposed Lot 12.012, will contain the 356 dwelling units and 16,000 s.f. of retail. An easement of approximately 1.06 acres (46,180 s.f.) for the hotel parking area is to be located on proposed Lot 12.012.

10. The Four Phases of the Project are as follows:

Phase 1. Preliminary and Final Major Site Plan and Subdivision includes the 130-room hotel on proposed Lot 12.011, together with associated parking areas, utilities, drainage basin and access driveways outside of proposed Lot 12.011.

Phase 2. Preliminary and Final Major Site Plan and Subdivision includes the 356 north residential units, of which 267 will be market rate and 89 affordable, in 12 buildings and a clubhouse building, together with associated parking areas, utilities, drainage basin and access driveways. Phase 2 will have direct access to Carnegie Center Drive and Meadow Road.

Phase 3. Preliminary Major Site Plan for the two retail buildings each 8,000 s.f. and the 6,915 s.f. restaurant pad.

Phase 4. Preliminary Major Site Plan for the remaining 300 south residential units in 17 buildings of which 225 units will be market rate and 75 affordable. This Phase also includes parking areas, a clubhouse building, detention basin, access driveways and utilities. Access to Phase 4 will be provided by Old Meadow Road and Meadow Road.

11. Six design waivers are sought:

- From Section 200-28D(2)(b), to exceed the minimum number of required parking spaces for residential uses, 1,277, whereas 1,286 parking spaces are proposed.
- From Section 200-28D(2)(b), to exceed the minimum number of required parking spaces for retail uses, 80, whereas 123 parking spaces are proposed.
- From Section 200-29J, to not provide a deceleration lane where access to a parking area of 100 or more spaces is proposed.
- From Section 200-30A, to reduce the required wall to wall separation between structures as follows:

Between buildings 5 & 6 - 75 feet required vs 47.9 feet proposed  
Between buildings 15 & 16 - 75 feet required vs 53.9 feet proposed  
Between buildings 16 & 17 - 75 feet required vs 54 feet proposed  
Between buildings 24 & 25 - 75 feet required vs 53.4 feet proposed  
Between buildings 25 & 26 - 75 feet required vs 53.1 feet proposed  
Between buildings 23 & 28 - 75 feet required vs 53 feet proposed  
Between buildings 28 & 29 - 75 feet required vs 53 feet proposed  
Between buildings 19 & 20 - 75 feet required vs 67.5 feet proposed

- From Section 200-31K (1),(2),(4), to exceed the maximum average light intensity as follows:  
  
parking lots: 0.5 footcandles required vs 0.8 - 1.1 proposed  
intersections: 3.0 footcandles required vs 3.3 - 4.2 proposed  
residential areas: 0.6 footcandles required vs .9 - 1.3 proposed
- From Section 200-36C(3)(c)[5], to not provide a tennis court.

12. Pursuant to MLUL *N.J.S.A.* 40:55D-49 and 52, the applicant seeks extended vesting of the preliminary and final approvals, as further set forth in the Findings.

#### THE APPLICANT

13. The applicant is Palladium Realty, LLC, which is also the owner.

#### NOTICE

14. The applicant obtained a list of all property owners within 200 feet of the property that is the subject of this application from the West Windsor Township tax office.

15. The applicant filed an affidavit stating that the notice was given at least ten days in advance of the hearing date to the surrounding property owners and to the public entities required to be noticed. The applicant has also filed a proof of publication confirming that newspaper publication was made in accordance with legal requirements. Proper notice was given.

16. The notice and publication stated that the hearing would be held at the meeting of the Board scheduled for August 26, 2020.

#### THE HEARING

17. The public hearing on the application was heard on the date for which it was noticed. At the hearing, the applicant and all other interested parties were given the opportunity to present evidence and to be heard.

#### PLANS PRESENTED

18. At the hearing, the Board reviewed the following plans:

- Site Plan set entitled "Preliminary & Major Subdivision and Preliminary and Final Major Site Plan for Proposed Hotel (Phase I) and Proposed Residential Development (Phase 2) and Preliminary Major Site Plan for Proposed Retail & Restaurant (Phase 3) & Proposed Residential Development (Phase 4), Princeton Executive Park" prepared by Bowman Consulting (Geoffrey Lanza, P.E.), dated May 3, 2019 (no revision date), consisting of 49 sheets:

- Cover Sheet (Sheet 1)
  - General Notes and Zoning Plan (Sheet 2)
  - Constraints Map (Sheet 3)
  - Demolition Plan (Sheet 4)
  - Tree Removal Plan (Sheet 5)
  - Phasing Plan (Sheet 6)
  - Overall Site Plan (Sheet 7)
  - Layout and Dimensioning Plan (Sheets 8-11)
  - Overall Grading Plan (Sheet 12)
  - Overall Utilities Plan (Sheet 13)
  - Grading and Utilities Plan (Sheets 14-17)
  - Grading – Hotel Plan Enlargement (Sheet 18)
  - ADA Grading – Residential Plan (Sheet 19)
  - Profiles (Sheets 20-26)
  - Overall Soil Erosion & Sediment Control Plan (Sheet 27)
  - Soil Erosion & Sediment Control Plan (Sheets 28-31)
  - Soil Erosion and Sediment Control Notes & Details (Sheets 32-33)
  - Traffic Signage Plan (Sheet 34)
  - WB-50 Truck Turning Plan (Sheet 35)
  - Garbage Truck Turning Plan (Sheets 36-39)
  - Fire Truck Turning Plan (Sheets 40-43)
  - Fire Hydrant Location Plan (Sheet 44)
  - Construction Details (Sheets 45-47)
  - West Windsor Standard Sanitary Sewer Details (Sheets 48-49)
- Landscape Architecture Plans prepared by Melillo + Bauer Associates, dated March 27, 2020, consisting of 25 sheets:
    - Cover
    - Overall Landscape Plan (L-1)
    - Circulation Plan – North (L-1A)
    - Circulation Plan – South (L-1B)
    - Landscape Plan (L-2 – L-6)
    - Overall Lighting Plan (L-7A)
    - Overall Security Lighting Plan (L-7B)
    - Lighting Plan & Details (L-7 – L-11)
    - Typical Unit Planting (L-12 – L-13)
    - Enlargement Plan (L-14 – L-16)
    - Site Details (L-17 – L-19)
    - Planning Details & Notes (L-20)
- Architectural Plan prepared by Lessard Design, dated May 17, 2019, revised March 27, 2020, consisting of 19 sheets:
    - Cover
    - Program Analysis and Summary (G.01)
    - Illustrative Site Plan (A.101)
    - Parking Distribution Diagram (A.102)



- COAH Distribution Diagram (A.103)
  - Floor Plans Plex Buildings (A1, A2) (A.111)
  - Floor Plans Plex Buildings (B1, B2) (A.112)
  - Floor Plans Plex Building C (A.113)
  - Floor Plans Flats Building D1 (A.114)
  - Floor Plans Flats Building D2 (A. 115)
  - Floor Plans Flats Building D3 (A. 116)
  - Elevations Buildings (A1, A2) (A.201)
  - Elevations Buildings (B1, B2) (A.202)
  - Elevations Buildings C (A.203)
  - Elevations Buildings D1 (A.204)
  - Elevations Buildings D2 (A.205)
  - Elevations Buildings D3 (A.206)
  - Club House Floor Plans and Elevations (A.207)
  - Material Board (A.208)
- Architectural Plan prepared by Base4, dated June 12, 2019 (no revision date), consisting of five sheets:
    - Floor Plans (A2.1-A2.3)
    - Elevations (A3.1-A3.2)
  - Preliminary/Final Major Subdivision Plan prepared by Bowman Consulting (Martin F. Tirella, P.L.S.), dated March 27, 2020
  - Land survey prepared by Stires Associates, P.A. (Richard Mathews, P.L.S.), dated March 27, 2020
  - Topographic survey prepared by Stires Associates P.A. (Richard Mathews, P.L.S.), dated March 17, 2020
  - Wetlands Map prepared by Stires Associates, P.A. (Richard Mathews, P.L.S.), dated June 21, 2016
  - Tree Plan prepared by Stires Associates, P.A. (Richard Mathews, P.L.S.), dated March 27, 2020
  - Striping Plan prepared by Stires Associates, P.A. (Richard Mathews, P.L.S.), dated March 17, 2020

## TOWNSHIP REPORTS

19. At the hearing, the Board considered the following reports presented by Township officials and bodies and consultants to the Board:

- Memorandum from David Novak, P.P. to the Board dated June 8, 2020
- Memorandum from Dan Dobromilsky, L.L.A. to the Board dated June 8, 2020
- Memorandum from Francis A. Guzik, P.E. to the Board dated June 8, 2020
- Memoranda from James L. Kochenour, P.E. to the Board dated June 8, 2020

- Memorandum from Timothy M. Lynch, West Windsor Township Fire & Emergency Services, dated June 9, 2020
- Memorandum from West Windsor Technical Review Committee to the Board dated June 10, 2020
- Memorandum from Christopher B. Jepson, P.E. to the Board dated June 8, 2020

## EXHIBITS AND APPLICANT'S REPORTS

20. At the hearing, the Board considered the following reports prepared by the applicant's consultants and advisors and the following exhibits that were introduced as evidence during the course of the hearing:

- Exhibit A-1 – Sheet 3 of 49 – Constraints Map
- Exhibit A-2 – Sheet 7 of 49 – Overall Site Plan
- Exhibit A-3 – Sheet 6 of 49 – Phasing Plan
- Exhibit A-4 – Sheet 13 of 49 – Overall Utility Plan
- Exhibit A-5 – Sheet 1 of 1 – Major subdivision Plan for Hotel and Right-of-Way for Roundabout
- Exhibit A-6 – Overall landscape plans
- Exhibit A-7 – North Village Amenity Area
- Exhibit A-8 – South Village Amenity Area
- Exhibit A-9 – Colored version of Sheet L-1A in plan set for North Village
- Exhibit A-10 – Colored version of L-1B in plan set for South Village
- Exhibit A-11 – Section Location Plan – Site Sections
- Exhibit A-12 – Site Sections 1 and 2
- Exhibit A-13 – Site Sections 3 and 4 in North Village by Meadow Road Connector
- Exhibit A-14 – Site Sections 5 and 6 off Meadow Road to Building 25
- Exhibit A-15 – Building elevations A1 + A2, Sheet A02
- Exhibit A-16 – Building D, Sheet A03
- Exhibit A-17 – Clubhouse elevation, Sheet A04
- Exhibit A-18 – MV01 – material board
- Exhibit A-19 – MV02 – siding material
- Exhibit A-20 – Plan of Hotel
- Exhibit A-21 – Elevations, Sheet A3.2
- Exhibit A-22 – Floor Plans, Sheet A2.1
- Exhibit A-23 – Floor Plans, Sheet A2.2
- Exhibit A-24 – Floor Plans, Sheet A2.3
- Development Application
- Site Plan Checklist, dated March 3, 2020
- Subdivision Checklist, dated March 27, 2020
- West Windsor Township Environmental Impact Statement Worksheet

- Revised West Windsor Township Green Development Practices Checklist, dated April 23, 2020
- Stormwater Management Report – Princeton Executive Park – Phase 1 - Block 9, Lots 12.01 and 12.02; Block 9.03, Lot 12.02, prepared by Bowman Consulting, dated May 16, 2019, revised March 16, 2020
- Stormwater Management Measures Maintenance Plan and Field Manuals – Princeton Executive Park – Block 9, Lots 12.01 and 12.02; Block 9.03, Lot 12.02, prepared by Bowman Consulting, dated October 18, 2019, revised March 20, 2020
- Major Development Stormwater Summary
- Sanitary Sewer Design Report – Princeton Executive Park - Block 9, Lots 12.01 and 12.02; Block 9.03, Lot 12.02, prepared by Bowman Consulting (R. Michael McKenna, P.E.), dated October 18, 2019, revised April 22, 2020
- West Windsor Fire & Emergency Services Site Plan Requirements
- Letter dated March 27, 2020 from Geoffrey Lanza, P.E., Bowman Consulting, to Samuel J. Surtees
- Letter of Interpretation: Line Verification – File No. 1113-05-0006.2, issued by NJDEP, dated January 12, 2017

#### TESTIMONY AND PUBLIC INPUT

21. The testimony presented by and on behalf of the applicant and advice by Board consultants were given by the following persons:

Ronald L. Shimanowitz, Esq. represented the applicant. Thomas Golden, its Professional Planner and Vice-President of Development; James Talerico, Senior Director of Development with the Briad Group, which seeks to facilitate approval of the hotel; Jamie Giurintano, P.E., its engineer; Craig W. Perego, P.E., its traffic engineer; Thomas S. Carmen, L.L.A., its landscape architect; Jerry Simon, R.A., its architect; and Charles Jordan, R.A., Briad Group hotel architect, testified on the applicant's behalf.

The following Township staff and professionals gave advice to the Board at the hearing: David Novak, P.P.; Ian Hill, P.E.; Dan Dobromilsky, L.L.A.; Samuel Surtees, P.P., Land Use Manager; Jeff L'Amoreaux, P.E.; and Gerald J. Muller, Esq.

22. The statements of the members of the public made during the course of the hearing may be summarized as follows:

Alison Miller expressed concern that there was not sufficient secure indoor bicycle parking for the affordable units.

John Church requested clarification of the definition of "limited service hotel."

FINDINGS AND CONCLUSIONS RE: PRELIMINARY AND FINAL MAJOR SITE PLAN AND SUBDIVISION APPROVAL (PHASES 1 AND 2) AND PRELIMINARY MAJOR SITE PLAN APPROVAL (PHASES 3 AND 4)

23. The Board notes that the Site is part of the Township's court-approved HEFSP prepared in accordance with a Settlement Agreement between the Township and Fair Share Housing Center, entered on October 9, 2018, as amended, setting forth the Township's affordable housing obligations. This backdrop of affordable housing and the Township's carefully negotiated and court-approved goals to meet its affordable housing obligations, while not dispositive of this Board's decision, sensitizes the decision making somewhat differently than an ordinary development approval would, as the Board starts with a keen interest to ensure that the project is designed in such a way as to merit approval.

24. The proposed development is permitted in the PMN-1 District, but the Board must still make mandatory findings for a planned development, as required by Section 200-194.3B(1) of the ordinance and *N.J.S.A. 40:55D-45*. These statutorily required findings are as follows, and the Board's conclusion as to each follow below:

- (a) That the departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning ordinance standards pursuant to subsection 52c. of this act;
- (b) That the proposals for maintenance and conservation of the common open space are reliable, and the amount, location and purpose of the common open space are adequate;
- (c) That provisions through physical design of the proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate;
- (d) That the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established;
- (e) In the case of a proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total

completion of the development are adequate.

Departures from zoning regulations (N.J.S.A. 40:55D-45(a))

25. The proposed plan does not depart from any zoning controls of the PMN-1 District regulations. This criterion is therefore satisfied.

Maintenance and conservation of common open space (N.J.S.A. 40:55D-45(b))

26. The applicant proposes a variety of open space facilities, including Green Belt preservation areas and an extensive, project-wide bike way and sidewalks, community gardens and a 10,000 s.f. public activity space on Block 9, Lot 12.01 that will serve as the terminus of the Carnegie Center Green Way. With a 37% improvement coverage at buildout, 63%, or 37 acres, will remain or be in some form of open space. 43 retail parking stalls will be banked to further increase green space. An extensive area of the south residential parcel will be dedicated to the Township Green Belt, and onsite wetlands and wetlands transition areas will be protected by conservation easements and/or deed restrictions. Given this, the Board finds that this criterion is satisfied.

Adequate provision for public services, control over vehicular and pedestrian traffic, light and air, and recreation and visual enjoyment (N.J.S.A. 40:55D-45(c))

27. Subject to the conditions addressing these criteria, the Board finds that the requirements of these criteria have been met, as follows:

(a) Public services. The residential units will be serviced by the Township and by utility companies serving West Windsor. Public services will be delivered via connections to existing infrastructure located in Meadow Road, Carnegie Center Drive and Old Meadow Road.

(b) Vehicular and pedestrian traffic. The proposed plan offers a well-designed pedestrian and vehicular circulation plan. An extensive internal sidewalk network and a perimeter bike path connects the north and south parcels to the adjoining streets, nearby offices and retail uses, and Township open spaces. Safe and secure bicycle parking is proposed. A roundabout is proposed, consistent with the requirements of the PMN-1 District, to safely and efficiently accommodate traffic generated by the project, as well as by through traffic that uses the Meadow Road/Route 1 interchange. Right-of-way

dedication is proposed along Old Meadow Road and the Meadow Road connector, as required by the Township engineer, to ensure that adequate turning radii, traffic lanes and road alignment are provided per Township standards.

(c) Light and air. Most building setbacks are met, ensuring adequate light and air, and where building to building setback compliance is not provided, extensive landscaping is provided as a buffer. Discrete architectural design and carefully chosen building materials are proposed to enhance the visual enjoyment of residents and passersby.

(d) Recreation and visual enjoyment. In addition to the open space facilities described above that will enhance recreational and visual enjoyment, a variety of recreational facilities is proposed, including two clubhouses, pools, dog runs, barbeque areas, and playgrounds.

No unreasonably adverse impact upon the site plan area (N.J.S.A. 40:55D-45(d))

28. The zoning requirements are substantively met. The development is next to major roadways and largely removed from other residential neighborhoods. The proposed roadway improvements are designed to ensure that traffic within the site and through the area will flow efficiently. Wetlands, flood hazard areas and the Township Green Belts will be protected and even expanded. The project is to utilize existing infrastructure. The noise and soil impacts, as described in the Environmental Impact Statement submitted by the applicant, are expected to be limited and of short duration. Accordingly, the Board finds that this criterion is satisfied.

The protection of interests during multi-year construction of development (N.J.S.A. 40:55D-45(e))

29. The Board notes that the applicant met with Township staff numerous times to assure compliance with Township ordinances and best practices in the phasing of this project. Phases 1 and 2 may be done simultaneously after all permits are secured. Phase 4 construction will not begin prior to January 1, 2025.

30. The phases are designed in accordance with market demand, allowing time for the market to absorb the new residential units. This creates certain challenges insofar as each area of the Site as temporarily completed must be able to stand on its own with respect to vehicular and pedestrian circulation, parking, and lighting and safety features and could require temporary interim improvements to be designed and installed until the next phase receives final approval and construction begins. The applicant satisfactorily demonstrated that utilities, including sewer and all stormwater management requirements, will be satisfied based upon the construction of the phases being approved herein.

31. To show that sufficient parking would be provided with each phase of development, the applicant provided a breakdown of parking spaces by phase. Further protections will be ensured by the execution by the applicant of a Developer's Agreement and by the posting of performance and maintenance guarantees. With respect to affordable housing, Condition 39tt additionally provides that the buildout of the units will, to the extent reasonably practicable, be proportionate to the income mix of the affordable units, such that, for example, the lowest income units will not be left for last. As the number of buildings exceeds the number of very low income units, not every building will contain a very low income unit. The Board finds that this criterion is therefore satisfied.

#### Affordable Housing

32. The proposed plan meets the ordinance requirements (Section 200-194.3(1)) of a 25% set aside for low and moderate-income housing meeting all applicable standards and requirements, including those of UHAC, for affordable units. The applicant will meet the UHAC requirements for bedroom distributions that (i) the combined number of efficiency and one-bedroom units is no greater than 20% of the total; (ii) at least 30% are two-bedroom units; and (iii) at least 20% are three-bedroom units. It will also meet the ordinance requirement in Section 200-194.3(1) that at least 50% of the affordable units be for low-income households, and at least 13% shall be for very low-income households. Finally, Section 200-194.1 requires that the affordable units must be reasonably dispersed throughout each residential component phased in accordance with the affordable housing construction schedule set forth in *N.J.A.C. 5:97-6.4(d)*. The map submitted by the applicant in the architectural plans identifying the locations of the affordable units was especially helpful in this respect, demonstrating that the dispersal requirement has been satisfied. Finally, the Board finds the proposed affordable housing accommodations to be reasonably attractive and appropriate, taking into account the needs of individuals who will qualify for the units, as well as the applicant's interest to develop a

commercially viable facility. Based on the foregoing, the Board finds that the applicant's plan for the provision of affordable housing in this project is adequate.

#### Stormwater Management

33. The project will disturb more than one acre of land and result in the addition of more than one quarter of new impervious surfaces. Therefore, the applicant must meet all aspects of the stormwater management ordinance, which the Board finds the applicant has done satisfactorily. Subject to the applicant meeting the Conditions relating to stormwater management, the Board finds the stormwater management plan acceptable.

#### Other Considerations

34. Pursuant to *N.J.S.A.* 40:55D-49 and 52, the applicant initially requested an extended vesting period of 10 years, but its representative, Mr. Golden, stated at the hearing that a vesting period of 15 years was preferred. Finding the request reasonable, the Board approved a compromise of a 12-year vesting period.

35. The Board finds that the Project meets the bulk standards for the PMN-1 District. The Project also meets the intent and purpose of the PMN-1 District, to encourage a mix of commercial and residential development in conjunction with appropriately scaled, compatible commercial development consisting of retail sales and services, a hotel, corporate suites, general and administrative offices, fitness and instructional studios, and similar uses with convenient access to Route 1 and to the Princeton Junction train station and surrounding employment centers and a 25% set aside of dwelling units for affordable housing.

36. The Board finds that the proposed plan offers a sensible and efficient layout to create a functional mixed-use neighborhood near existing employment and retail centers. Although the gross density will be high relative to other neighborhoods in West Windsor, the design includes ample space for outdoor recreation, extensive walkways, and opportunities to hike or jog through natural areas. The Board appreciates that the applicant, through numerous technical review meetings with Township staff, diligently addressed numerous comments and concerns regarding code compliance and design details. The landscape design offers planting, berming and other improvements to conform to Township standards, including street and parking lot trees, stormwater, recreation, and pedestrian area landscape architectural enhancement. The proposed plantings offer an appropriate and attractive mix of



species to create seasonal interest, spatial definition and visual buffering. Although there will be some short term disturbance from the construction, this is more than outweighed by the benefits of the development, which is the enhancement of the economy, new job opportunities and new residents to support existing local retail establishments, and the provision of a significant number of affordable housing units.

37. Findings and conclusions re: preliminary and final major site plan and subdivision approval (phases 1 and 2) and preliminary major site plan approval (phases 3 and 4). The Board finds that, with waivers granted and conditions imposed, the applicant has met all Township major site plan and subdivision standards. Preliminary and final major site plan and subdivision approval for phases 1 and 2 and preliminary major site plan approval for phases 3 and 4, accordingly, are granted.

#### FINDINGS AND CONCLUSIONS RE: WAIVERS

38. The application necessitates six design waivers. The waivers and Board's action on them are as follows:

a. Waiver. From Section 200-28D(2)(b), which requires a demonstration of necessity where the minimum off-street parking requirement is exceeded for residential uses. 1,277 parking spaces are required, whereas 1,286 parking spaces are proposed.

Waiver granted. The exceedance of proposed parking spaces for the residential uses, 3, on the south parcel, is *de minimus*. Six of these spaces are on the north parcel, 3 on the south, thus not all concentrated in the same area. The Board finds that the number and proposed location of the excess parking spaces are acceptable and that permitting no more than 1,277 spaces would work undue hardship on the applicant by requiring a redesign of the parking layout. The deviation is minimal and will result in more parking than is required. It will therefore not impair the intent and purpose of the zone plan and zoning ordinance, which is to provide an adequate amount of parking spaces. This waiver is therefore granted.

b. Waiver. From Section 200-28D(2)(b), which requires a demonstration of necessity where the minimum off-street parking requirement is exceeded for retail uses. Eighty parking spaces are required, whereas 123 parking spaces are proposed.

Waiver granted. The exceedance of proposed parking spaces for the retail uses, 43, will be banked, which will give the applicant flexibility to determine if 80 spaces is sufficient without increasing the impervious coverage and detracting from open space on the Site. Literal enforcement of this ordinance provision would create undue hardship because, if demand for retail parking spaces is determined to be greater than 80 spaces, the applicant would have to seek waiver relief and redesign its parking plan. Granting the waiver will not impair the intent of the ordinance, which is to provide adequate parking, as adequate parking is being provided. Accordingly, this waiver is granted.

c. Waiver. From Section 200-29J, which requires the provision of an acceleration or deceleration lane for access to a parking area of more than 100 spaces, whereas no such lane is being provided.

Waiver granted. The applicant's traffic engineer indicated that no deceleration lanes are necessary and it is safe not to have them, a determination with which the Township's traffic consultant agreed. Accordingly, the Board finds this waiver request to be reasonable and within the intent and purpose of the ordinance, which is to provide safe access to parking lots through the provision of deceleration lanes. Accordingly, this waiver is granted.

d. Waiver: From Section 200-30A, which requires wall to wall separation between structures of at least 75 feet, whereas the following distances have been proposed:

Between buildings 5 & 6 - 75 feet required vs 47.9 feet proposed  
Between buildings 15 & 16 - 75 feet required vs 53.9 feet proposed  
Between buildings 16 & 17 - 75 feet required vs 54 feet proposed  
Between buildings 24 & 25 - 75 feet required vs 53.4 feet proposed  
Between buildings 25 & 26 - 75 feet required vs 53.1 feet proposed  
Between buildings 23 & 28 - 75 feet required vs 53 feet proposed  
Between buildings 28 & 29 - 75 feet required vs 53 feet proposed  
Between buildings 19 & 20 - 75 feet required vs 67.5 feet proposed

Waiver granted. Mr. Golden testified that the separation between buildings for which the waiver is requested will be addressed by buffering between the buildings. The Board is satisfied that such buffering will minimize the impact of having less space between the buildings and that granting the waiver will allow for a better site design. Literal enforcement of this ordinance provision would be impracticable as it would require a redesign of the site, resulting in

potentially less space for residential development. The deviation will not impair the intent and purpose of the zone plan and zoning ordinance, which is to ensure adequate distance between buildings. While less distance is being provided between the buildings, the provision of buffering will ensure privacy for the residence and significantly lessen the impact of the deviation. Accordingly, this waiver is granted.

e. Waivers. From Section 200-31K(1), which requires intensity in footcandles of an average of 0.5 throughout parking lots whereas average footcandles of 0.8 – 1.1 are proposed; from Section 200-31K(2), which requires a 3.0 footcandle at intersections whereas average footcandles of 3.3-4.2 are proposed; and from Section 200-31K(4), which requires an average intensity in footcandles of 0.6 in residential areas whereas 0.9 is proposed for the north parcel and 1.3 is proposed for the south parcel.

Waiver granted. The proposed lighting will result in a better-lit, safer site but not an overly-lit site, and no increased negative impact is anticipated from the proposed lighting plan. All lights will be shielded to restrict the maximum apex angle of the cone of illumination to 150 degrees, and the lighting system will be placed on a timer such that all but security lighting will shut off by 11:00 p.m. Hotel parking lot lights will be on a photocell and will remain on at night for 24-hour security. Footcandles at the property line do not exceed 1.0, except where the property line crosses a vehicular intersection. For these reasons, the Board finds this waiver request to be reasonable and within the general purpose and intent of the ordinance, which is to provide adequate and safe lighting. Literal enforcement of this requirement would exact undue hardship upon the applicant because it would require the lighting plan to be redesigned, which is not feasible without impacting the safety of the site or compromising appropriate levels of visibility. This waiver is therefore granted.

f. Waiver. From Section 200-36C(3)(c)[5], which requires a tennis court for each 100 dwellings, whereas none is proposed.

Waiver granted. The Board finds this waiver request to be reasonable given that there is little or no demand for tennis and the applicant is proposing a variety of other recreational facilities, including pools, bocce ball, dog runs, and playgrounds, all of which provide an opportunity for residents and visitors to get exercise and enjoy the outdoors. Literal enforcement of this requirement would exact undue hardship upon the applicant by requiring tennis courts to be installed that take up a lot of space and are not likely to get much use, while the space can be better used for the other recreational facilities being proposed. For these

reasons, the Board finds this waiver request to be reasonable and within the general purpose and intent of the ordinance, which is to provide recreational facilities for residential developments, which the Project will do. Accordingly, this waiver is granted.

#### CONDITIONS REQUIRED

39. The Board finds that, in order to address the concerns expressed during the course of the hearing and to limit the relief to that reasonably necessary to satisfy the applicant's legitimate requirements, the relief granted is subject to the following conditions:

##### Site plan and subdivision

- a. Street addresses and unit numbering will be undertaken as part of Resolution compliance.
- b. Five monuments proposed to be set along the southeast lot line of the new lot, which is coincident with the northwesterly curb line of Proposed Road "A," shall be set as offset monuments due to the proposed curb.
- c. The plans shall be revised to indicate that the right-of-way dedications associated with the roundabout construction on Meadow Road are to benefit West Windsor Township.
- d. All required cross-easements on Lot 12.02, Block 9.03 for the benefit of Lot 12.01, Block 9 for storm water and sanitary sewer shall be formalized and subject to review and approval of the Township Engineer and Board Attorney.
- e. Utility and stormwater management easements as required shall be granted to the Township, subject to review and approval of the Township Engineer and Board Attorney.
- f. The applicant shall use the street addressing and the building and unit numbering as assigned by the Township Engineer's office.
- g. The discrepancy in the number or numbering of buildings between the site plan and architectural plans shall be corrected. This condition relates to Buildings 23 and 28.

### Landscaping & Environmental

- h. The applicant shall consider more use of Green Development design and constructions options going forward.
- i. The reforestation plan shall be added to the plan set.
- j. The applicant shall do soil testing and soil remediation if necessary.
- k. To the extent necessary, the landscape plans shall be supplemented to provide full or complete plans for areas that could receive final approval. Detailed plans for the recreation centers shall be subject to review of the Landscape Architect at the time of building permit application to assure consistency with any approvals and standards.

### Traffic, circulation, and parking

- l. The 43 banked parking spaces shall be paved and used at the Township's request or in the applicant's discretion.
- m. One or more of the transverse crosswalks on the southerly parcel shall be constructed as a "speed table" traffic calming device that provides for curblin drainage.
- n. With respect to the ADA-Accessible Parking Table on Sheet 2, the layout in the Phase 3 retail area shall be revised to include an additional accessible parking space and the required number of accessible parking spaces shall be corrected in the table for each portion of the entire project.
- o. An ADA-accessible parking space shall be added to the parking lot located to the immediate east of the proposed hotel.
- p. The requirements of Section 200-27D with respect to loading areas shall be addressed at the time of application for final approval for areas of proposed commercial uses.
- q. The applicant shall submit a plan identifying all traffic regulations to be enforced as part of Title 39 Regulation enforcement and in which areas of the Site in Phases 1

and 2 such regulations will apply, particularly with respect to No Parking areas. A similar requirement with respect to Phases 3 and 4 shall be made of the applicant at the time of application for final approval of those phases.

r. The Township shall, if circumstances warrant, have the option, 12 months after opening of the proposed driveway from the northern portion of the Site to Meadow Road, to construct a mountable or landscaped median in Meadow Road to reinforce right-in/right-out movements at the driveway to the northern portion of the Site.

s. The left turn lane into the Site at the proposed driveway from the northern portion of the Site to Meadow Road shall be lengthened to a full storage length of 120 feet.

t. The roundabout at Meadow Road and Meadow Road Connector shall be striped and signed in accordance with Figures 3C-3 and 3C-4 of the Manual on Uniform Traffic Control Devices, 2009 Edition. Detailed roadway plans and signing/stripping plans for the roundabout shall be subject to the review and approval of the Township's Traffic Consultant.

u. The applicant shall evaluate the addition of a departure lane on westbound Meadow Road to avoid confusion at the roundabout exit and shall incorporate the same into construction if warranted.

v. Timing modifications in the form of draft timing directives shall be prepared for the Meadow Road signals at the US Route 1 ramps and offered to NJDOT for its consideration.

w. Traffic projected for the adjacent proposed Duck Pond Associates development shall be considered in the design of the roundabout by preparation of capacity analyses reflecting such traffic and that is consistent with the proposed lane geometry.

x. The applicant shall provide information that would justify the internal trip capture applied to the 300 units on the south parcel.

y. Information shall be provided regarding the proximity adjustment factor derived for each land use to land use trips within the Site, and, where proximity adjustments were not applied, the applicant shall provide the justification for the non-use of the proximity adjustment factors for the estimation of the internal trip capture.

z. Information shall be provided regarding the timing for the construction of the proposed roundabout. If the roundabout is not in place prior to the opening of any or all of the north parcel land uses, the applicant shall provide additional Synchro analysis that would represent the phased construction of the Site.

aa. The applicant shall make an off-tract, fair-share financial contribution for off-tract roadway improvements to the Township's Capital Improvement Program.

bb. Turn-around provisions at dead-end aisles, which would include a 10-foot deep back-up area, shall be provided for the locations near Buildings 14 and 20, and the plans shall be amended to include these two locations. This will result in the loss of six parking spaces.

cc. The four-leg intersection on the north parcel nearest the northern clubhouse shall be controlled with a four-way STOP sign configuration rather than the three-way configuration proposed.

dd. The plan set shall be modified to show loading areas for the retail pads at the time of application for final approval for areas of proposed commercial uses in accordance with condition p.

ee. Pedestrian signals and push buttons shall be provided at the crossings across the east approach of Meadow Road at the US Route 1 Northbound off-ramp, which shall be coordinated with NJDOT.

ff. All proposed crosswalks shall be located as close to an intersection as possible, within six feet of an intersecting curbline extended.

gg. Pedestrian crossing signing consisting of a W11-2 sign with a W16-7p(L) plaque beneath it shall be provided for the crossing at the south access road for the roundabout near Buildings 13 and 15.

hh. The construction details shall be updated to show rectangular rapid flashing beacons.

ii. Parking spaces shall be reserved as electric charging stations as follows: 5% for retail spaces; 2 spaces for the hotel; and for the remaining spaces, the applicant shall work with the Township Landscape Architect to formulate a plan acceptable to him. He shall keep the Environmental Commission apprised of the plan.

#### Stormwater management

jj. A Phase 2-specific storm water management report (or combined Phase 1 and 2 report) must be submitted for review by the Township Engineer.

kk. Each subsequent application for final approval (i.e. Phases 3 and 4) must be accompanied by a phase-specific storm water management report.

ll. The 43 banked parking spaces shall be treated as built for purposes of stormwater management calculations.

#### Utilities

mm. The Final Site Plan drawing shall clearly identify all piping and manholes that will be installed (both in plain view and in the profiles) to support the Final Site Plan development and those that are to be deferred under a separate TWA permit. Infrastructure that is part of a future phase TWA application shall be "greyed out" or otherwise identified as not being part of the current proposal for construction of Phases 1 and 2.

#### Emergency services

nn. Standpipes shall be installed in each stair tower floor landing and shall have 2.5 inch National Standard thread hose outlets.

oo. The standpipes shall be tied into the fire sprinkler piping so that there will be only one fire department connection.

pp. If the applicant is required by the Construction Code official to conduct a radio signal strength survey of the building while it is under construction, a radio signal amplification system shall be installed if it is deemed necessary.



qq. A lock box to allow immediate access by the Fire Department shall be installed on the front of the buildings.

rr. The fire department connection that supports the fire sprinkler system shall be at the front of the building.

ss. The number of trees in close proximity to the buildings shall be limited so as not to restrict access by the fire department.

#### Affordable Housing

tt. The buildout of the affordable units shall, to the extent reasonably practicable, be proportionate to the income mix of the affordable units, such that, for example, the lowest income units shall not be left for last.

uu. Parking shall be free for all the affordable households.

vv. There shall be no charges to amenities for the affordable housing units.

ww. In accordance with UHAC, 13% of the affordable units shall be very low income.

#### Other

xx. A construction cost estimate prepared by the applicant's engineer shall be submitted for review and approval by the Township Engineer to determine the amounts of guarantees and fees required to be posted with the Township. For both on-site and off-site improvements, performance guarantee and construction inspection escrow fees shall be posted to the extent required by law.

yy. Separate metes and bounds descriptions and closure calculations for any proposed lots, easements and dedications, shall be submitted for review and approval.

zz. The applicant shall provide, via both hard copy and electronic format, approved site plans being submitted for signature, and as-built surveys upon project completion.

aaa. The applicant shall provide electronic copies of its stormwater management report and BMP Operation and Maintenance Manual, along with all maps applicable to the same, once those are approved by the Township Engineer.

bbb. The following approvals shall be obtained:

- Mercer County Planning Board
- Mercer County Soil Conservation District and State 5G-3 Construction Discharge Permit
- Delaware and Raritan Canal Commission
- NJDEP (TWA Permit, Wetlands General Permit, Transition Area Waiver-Buffer Averaging)

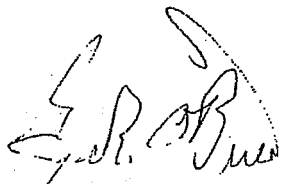
#### CONCLUSION

Based on the foregoing, the Board at its August 26, 2020 meeting voted to approve the plans with revisions made therein and as supplemented and modified by the exhibits and to grant the relief identified above subject to the conditions and to be revised in accordance with the conditions set forth herein.

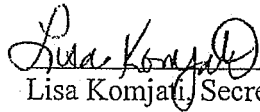
This resolution of memorialization was adopted on December 9, 2020 by a vote of who voted to grant the relief sought by the applicant.

The date of decision shall be August 26, 2020 except that the date of the adoption of this memorializing resolution is the date of decision for purposes of (1) mailing a copy of the decision to the applicant within 10 days of the date of the decision; (2) filing a copy of the decision with the administrative officer; and (3) publication of a notice of this decision. The date of the publication of the notice of decision shall be the date of the commencement of the vesting protection period.

We do hereby certify that the foregoing resolution was adopted by the Planning Board at its regular meeting held on December 9, 2020. This resolution memorializes formal action taken by the Board at its regular meeting held August 26, 2020.

 12/9/20

Gene R. O'Brien, Chair

 12/14/20

Lisa Komjati, Secretary

Gene O'Brien, Chair – Yea  
Michael Karp, Vice Chair – Absent  
Sue Appelget – Absent  
Anis Baig – Yea  
Linda Geever – Yea  
Curtis Hoberman – Yea  
Michael Huey – Absent  
Hemant Marathe – Yea  
Simon Pankové – Absent  
Allen Schectel, Alternate I – Absent  
Jyotika Bahree, Alternate II – Absent