

MEETING TO BE
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AGENDA FOR THE REGULAR BUSINESS MEETING
OF THE TOWNSHIP COUNCIL OF WEST WINDSOR TOWNSHIP
WEST WINDSOR SENIOR CENTER
271 CLARKSVILLE ROAD
TO THE EXTENT KNOWN

June 14, 2021

VIA Zoom Video Communications

7:00 P.M.

1. Call to Order
2. Roll Call
3. Statement of Adequate Notice - Statement of Adequate Notice - January 8, 2021 to The Times and the Princeton Packet and posted on the Township web-site. All Council meetings are open to the public with access via Zoom for those who wish to attend virtually. Please see Township web-site for further details.
4. Salute to the Flag
5. Ceremonial Matters and/or Topics for Priority Consideration
State of the Township - Mayor Hemant Marathe
6. Public Comment: (30 minutes comment period; 3-minute limit per person)
7. Administration Comments
8. Council Member Comments
9. Chair/Clerk Comments

10. Public Hearings

2021-10 AN ORDINANCE AMENDING AND SUPPLEMENTING PART I "ADMINISTRATIVE LEGISLATION" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY (1999) SECTION 4-37 "POLICE DIVISION" OF THE TOWNSHIP CODE OF THE TOWNSHIP OF WEST WINDSOR

2021-11 AN ORDINANCE OF THE TOWNSHIP OF WEST WINDSOR PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES BY ADDING CHAPTER 61-1 CANNABIS BUSINESSES AND AMENDING CHAPTER 200 TO ADD SECTION 236 CANNABIS PROHIBITED USES TO THE CODE OF THE TOWNSHIP OF WEST WINDSOR

11. Consent Agenda

A. Resolutions

2021-R099 Authorizing the Mayor and Clerk to Execute an Easement Modification Agreement for 11 Spruce Street

B. Minutes

March 4, 2021 - Budget Session #1

May 10, 2021 - Business Session - as amended

C. Bills & Claims

12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk

2021-R100 Authorizing the Insertion of a Special Item of Revenue Into the 2021 Municipal Budget from the Clean Communities Program - \$60,661.13

2021-R101 Granting Reservation of Sewer Capacity and Authorizing the Execution of the Required Treatment Works Approval Permit Application to the New Jersey Department of Environmental Protection for the Project Known as Princeton Executive Park (PB19-15) Block 9, Lots 12.01 and 12.03, and Block 9.03, Lot 12.02

- 2021-R102 Authorizing the Execution of the Required Treatment Works Approval Permit Application to the New Jersey Department of Environmental Protection for the Project Known as Windsor 1 Developers (ZB19-06) Block 7, Lot 59
- 2021-R103 Approval of Second Amendment and Supplement to the Declaration of Covenants and Restrictions for the Estates at Princeton Junction
- 2021-R104 Authorizing the Mayor and Clerk to Execute Agreements with Various Swim Teams for Practice Only at Water Works Lap Pool
- 2021-R105 Approval of Liquor License Renewals for 2021-2022
- 2021-R106 Re-appointment of Gay M. Huber to Continue to Serve as Township Clerk for the Township of West Windsor

14. Introduction of Ordinances

- 2021-12 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 200 OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) BY ESTABLISHING A B-2A DISTRICT

Public Hearing: July 12, 2021

- 15. Additional Public Comment (three-minute limit per person)
- 16. Council Reports/Discussion/New Business
- 17. Administration Updates
- 18. Closed Session
- 19. Adjournment

ORDINANCE 2021-10

AN ORDINANCE AMENDING AND SUPPLEMENTING PART I “ADMINISTRATIVE LEGISLATION” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY (1999) SECTION 4-37 “POLICE DIVISION” OF THE TOWNSHIP CODE OF THE TOWNSHIP OF WEST WINDSOR

WHEREAS, it is recommended by the New Jersey Attorney General that all municipalities in New Jersey have certain ordinances in effect regarding police division structure; and

WHEREAS, it is prudent that the Township’s ordinance regarding the structure of the police division be current and appropriate,

NOW, THEREFORE, BE IT ORDAINED by Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, that the following amendment be made to the Code Book:

§ 4-37 Police Division.

- A. The Police Division of the Township is hereby established with such number of subordinate police officers and sworn police positions as designated by the Mayor and authorized by the Council. The Police Division shall be headed by a Chief of Police or ranking sworn officer, who shall be appointed by the Director of Public Safety and whose duties and responsibilities shall be those as governed by law, Township Code, where applicable, and the rules and regulations of the West Windsor Police Division.
- B. Each regular police officer shall hold office and continue in said employment during good behavior and efficiency after having properly completed a one-year probationary period, pursuant to law, and no police officer shall be removed from office or employment for any causes other than incapacity, misconduct, neglect of duty, conduct unbecoming a police officer or disobedience of the rules and regulations established and hereafter established for the Division or absence from duty without just cause.
- C. Any permanent member of the Police Division may be suspended, removed/discharged, fined or reduced in rank from or in office for just cause upon due notice and written charges filed with the Director of Public Safety or his/her designee and served upon the member so charged with notice of a hearing thereon. The Director of Public Safety or his/her designee shall have the power to suspend without pay the member so charged, pending determination of such charges. The hearing shall be held not less than 10 nor more than 30 days from the date of service of the complaint. Said hearing shall take place pursuant to the rules and regulations of the Police Division.
- D. The Mayor of the Township shall serve as Public Safety Director and as the appropriate authority

E. The Police Division shall consist of no more than one Chief of Police, four Lieutenants, eight Sergeants, 3~~5~~**6** patrol officers and 10 special law enforcement officers Class III (SLEOIII) pursuant to N.J.S.A. 40A: 14-146.10 et seq.

INTRODUCTION: May 24, 2021

PUBLIC HEARING:

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:

Explanation – Matter enclosed in bold-faced brackets **[thus]** in the above ordinance is not enacted and is intended to be omitted in the ordinance. Matter underlined thus is new matter.

**WEST WINDSOR TOWNSHIP
MERCER COUNTY, NEW JERSEY**

ORDINANCE 2021-11

**ORDINANCE OF THE TOWNSHIP OF WEST WINDSOR PROHIBITING THE
OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS
GEOGRAPHICAL BOUNDARIES BY ADDING CHAPTER 61-1 CANNABIS
BUSINESSES AND AMENDING CHAPTER 200 TO ADD SECTION 236 CANNABIS
PROHIBITED USES TO THE CODE OF THE TOWNSHIP OF WEST WINDSOR**

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of cannabis by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis

delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, Section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location, manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, Section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, Section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to Section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Township Council and Mayor of the Township of West Windsor has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more of the six marketplace classes of cannabis businesses might have on New Jersey municipalities in general, and on the Township of West Windsor in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township of West Windsor’s residents and members of the public who visit, travel, or conduct business in the Township of West Windsor, to amend the Township of West Windsor’s zoning regulations to prohibit all cannabis-related land use and development within the geographic boundaries of the Township of West Windsor; and

WHEREAS, to ensure that the Township’s interests with respect to the Act are fully protected, both the Township’s general “police power” ordinances and land use ordinances shall be amended.

NOW THEREFORE, BE IT ORDAINED, by the Township Council and Mayor of the Township of West Windsor, in Mercer County State of New Jersey, as follows:

SECTION I.

Pursuant to Section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Township of West Windsor, except for the delivery of cannabis items and related supplies by a licensed delivery service.

SECTION II.

A new chapter, entitled "Cannabis," shall be added as Chapter 61 to the Township of West Windsor Code.

SECTION III.

New Section 61-1 shall be added to the Township of West Windsor Code as follows:

Cannabis Establishments Prohibited. All marketplace classes of cannabis to include: cultivator, manufacturer, wholesaler, distributor, retailer, and delivery as said terms are defined in section 3 of P.L. 2021, c. 16 shall be prohibited activities throughout the municipality, but the delivery of cannabis items and related supplies by a licensed delivery service is permissible.

SECTION IV.

New Section 200-236 shall be added to the Township of West Windsor Code as follows:

Prohibited uses. All marketplace classes of cannabis to include: cultivator, manufacturer, wholesaler, distributor, retailer, and delivery as said terms are defined in section 3 of P.L. 2021, c. 16 shall be prohibited uses in all zones in the municipality.

SECTION V. SEVERABILITY.

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION VI. INCONSISTENT ORDINANCES REPEALED.

All Ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed, but only to the extent of such inconsistencies.

SECTION VII. EFFECTIVE DATE.

This ordinance shall take effect upon its passage and publication and filing with the Mercer County Planning Board, and as otherwise provided for by law.

RESOLUTION

WHEREAS, Lalith and Priyanka Bommera, owner of property located at 11 Spruce Street, West Windsor Township, New Jersey, also known as Block 21.22 Lot 14, in West Windsor, New Jersey 08550 has made a request for a waiver to permit the construction of a fence over a drainage easement along the side yard of their property; and

WHEREAS, the Township Engineer has reviewed and approved this request subject to compliance with the terms of the Easement Modification Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the waiver requested by Lalith and Priyanka Bommera be hereby granted subject to the acceptance of the recommendations of the Township Engineer and the execution of the annexed Easement Modification Agreement; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute said agreement which shall be filed in the Mercer County Clerk's Office by the Township Attorney.

Adopted: June 14, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 14th day of June, 2021.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF
REVENUE IN THE BUDGET OF THE TOWNSHIP OF WEST WINDSOR
PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any such item of revenue in the budget of the county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of any item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Windsor, in the County of Mercer, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 which item is now available as a revenue from monies held pursuant to the provisions of statute.

Clean Communities Program - 104604	\$60,661.13
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BE IT FURTHER RESOLVED that a like sum of \$60,661.13 and the same is hereby appropriated under the following captions:

Clean Communities Program – 10665523	\$60,661.13
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Adopted: June 14, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 14th day of June, 2021.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, Bowman Consulting has submitted a request for a reservation of sewer capacity in the public sewer system for a second portion of the mixed-use project known as Princeton Executive Park (PB19-15) located at Block 9, Lots 12.01 and 12.02, and Block 9.03, Lot 12.02; and

WHEREAS, the request for reservation is for Phase 2, consisting of 356 residential units, clubhouse and pool, and for the 16,000 s.f. of retail in Phase 3, which are estimated to generate an additional 76,375 gallons per day (gpd) total wastewater flow upon construction and occupation of this portion of the project; and

WHEREAS, the proposed flow and expansion of the collection system on the property as part of the project requires a Treatment Works Approval permit from the New Jersey Department of Environmental Protection; and

WHEREAS, the Township Engineer has certified that there is sufficient capacity in the existing downstream sanitary sewer system to accommodate the increase in average daily flow of 76,375 gpd of wastewater that is estimated to be generated by the proposed improvements.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that a reservation of sewer capacity in the total amount of 76,375 gallons per day is hereby granted for Phase 2, consisting of 356 residential units, clubhouse and pool, and for the 16,000 s.f. of retail in Phase 3 of the mixed-use project known as Princeton Executive Park (PB19-15); and

BE IT FURTHER RESOLVED that this allocation of Township sewer capacity shall be in effect for a period of one (1) year; and

BE IT FURTHER RESOLVED that the Township Engineer be and hereby is authorized to execute the endorsement of the New Jersey Department of Environmental Protection Treatment Works Approval Permit application, as required to implement this Resolution, upon submission of final design/construction plans and specifications acceptable to the Township Engineer.

Adopted: June 14, 2021

I hereby certify this is a true copy of a resolution adopted by the West Windsor Township Council at their meeting held on the 14th day of June, 2021.

Gay M. Huber
Township Clerk
Township of West Windsor

RESOLUTION

WHEREAS, Dynamic Engineering Consultants has submitted a request for endorsement of an application for the extension of the sanitary sewer system for the project known as Windsor 1 Developers (ZB19-06) located at Block 7, Lot 59; and

WHEREAS, the change in uses resulting from the development project will not generate additional flows into the municipal system; and

WHEREAS, the proposed extension of the collection system on the property as part of the project requires a Treatment Works Approval permit from the New Jersey Department of Environmental Protection; and

WHEREAS, the Township Engineer has certified that there is sufficient capacity in the existing downstream sanitary sewer system to accommodate the increase in average daily flow of 17,100 gpd of wastewater that is estimated to be generated by the proposed improvements.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Township Engineer be and hereby is authorized to execute the endorsement of the New Jersey Department of Environmental Protection Treatment Works Approval Permit application, as required to implement this Resolution, upon submission of final design/construction plans and specifications acceptable to the Township Engineer, for the project known as Windsor 1 Developers (ZB19-06) located at Block 7, Lot 59; and

Adopted: June 14, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 14th day of June, 2021.

Gay M. Huber
Township Clerk
Township of West Windsor

RESOLUTION APPROVING SECOND AMENDMENT AND SUPPLEMENT TO THE
DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE ESTATES AT
PRINCETON JUNCTION

- WHEREAS, the Estates at Princeton Junction, L.P. (hereinafter the “Developer”) was the owner of the fee simple title to certain real property in the Township of West Windsor; and
- WHEREAS, Developer created thereon the planned unit development known as “The Estates at Princeton Junction” (the “Community”), consisting of 530 fee simple single-family dwellings, including 400 single-family detached homes and 130 townhomes; and
- WHEREAS, the Developer and The Estates at Princeton Junction Homeowners Association, Inc. (the “Association”) entered into a Declaration of Covenants and Restrictions for The Estates at Princeton Junction (the “Declaration”), which was dated April 22, 2003, and recorded with Mercer County on April 23, 2003; and
- WHEREAS, a dispute arose between Association and the Developer relating to the maintenance and management of certain common property elements of the Community, which is governed by the Declaration, and lands forming a part of or serving the Mews at Princeton Junction (the “Apartments”), which are subject to the Declaration of Covenants and Easements by and between the Estates at Princeton Junction, L.P. and Princeton Junction Apartments, L.P., dated October 9, 2003 and recorded with Mercer County on October 21, 2003; and
- WHEREAS, the Association and the Developer have reached an agreement as to the respective responsibilities of each party as to the maintenance, repair, and replacement of improvements in such common areas, and seek to enter a Second Amendment and Supplement to the Declaration of Covenants and Restrictions for the Estates at Princeton Junction (“Second Amendment”), attached hereto as Exhibit A; and
- WHEREAS, Section 12.02 of the Declaration requires that the Declaration may only be amended by a vote of those owners in good standing representing at least 67% of all owners, at any meeting of the Association duly held in accordance with the provisions of the Association’s By-Laws; and
- WHEREAS, at a meeting of the Association duly held in accordance with the provisions of the Association’s By-laws, at least 67% of all owners in good standing voted in favor of the Second Amendment, attached hereto as Exhibit A; and

WHEREAS, Section 12.02 of the Declaration also requires that any amendment of the Declaration of this kind be approved in writing by the Township of West Windsor; and

WHEREAS, the Township Council of the Township of West Windsor approves of the Second Amendment, attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor, County of Mercer, and the State of New Jersey, hereby approves of the Estates at Princeton Junction Homeowners Association to enter the Second Amendment and Supplement to the Declaration of Covenants and Restrictions for the Estates at Princeton Junction, attached hereto as Exhibit A.

Adopted: June 14, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 14th day of June, 2021.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, outdoor pools can reopen and pools must follow the appropriate requirements from Governor Murphy's Executive Orders (No. 153, No. 157 and No. 239) and the Department of Health's COVID-19 Pools and Aquatic Recreations Facility Standards; and

WHEREAS, the Township has negotiated a Facility Use Rental Agreement (Agreement), for Swim Team use of the lap pool for practice at Water Works by: (1) Princeton Tigers Swimming; (2) Hamilton Aquatics; and (3) Whitewater Swimming; and

WHEREAS, these swim teams will use the facility for swim practices during hours when the pool facility is closed to pool members and non-members.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor, the Mayor and Clerk are authorized to execute the agreements contingent upon the Authorized Swim Team Representative executing their Agreement including all attachments (Additional Rules; Swim Team Responsibilities; and Waiver of Liability) and upon receipt of a check for the non-refundable rental payment.

Adopted: June 14, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 14th day of June, 2021.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, 2021-2022 applications for renewal of liquor licenses have been submitted electronically to the Division of Alcoholic Beverage Control; and
- WHEREAS, the appropriate fees have been received; and
- WHEREAS, the Police Division has indicated that it finds no reason to object to the renewals; and
- WHEREAS, the Health Division has inspected the premises and finds them to be in satisfactory condition; and
- WHEREAS, no objection to any of these renewals has been filed with the Clerk's Office; and
- WHEREAS, the Alcoholic Beverage Retail Licensee Clearance Certificates for Renewal have been issued.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the renewal of the Alcoholic Beverage Licenses for the following are hereby approved:

PLENARY RETAIL CONSUMPTION LICENSEES

- | | |
|-----------------|---|
| 1113-33-013-005 | BHTT Entertainment LLC dba Brick House Tavern and Tap |
| 1113-33-016-002 | GMRI, Inc., Shared License Bahama Breeze and Seasons 52 |
| 1113-33-001-007 | Cranbury Management t/a The Bog |
| 1113-33-002-006 | AntSul-BWW VII LLC t/a Buffalo Wild Wings |
| 1113-33-003-011 | TGI Friday's Inc. d/b/a TGI Friday's |
| 1113-33-012-003 | P.F. Changs China Bistro Inc. |

HOTEL/MOTEL LICENSEES

- | | |
|-----------------|--|
| 1113-36-019-001 | Briad Lodging Group (Pocket License) |
| 1113-36-015-003 | Carnegie HP F&B LLC (Pocket License-Hyatt Place) |
| 1113-36-017-001 | CHDA Title LLC (Residence Inn Marriott) |

PLENARY RETAIL DISTRIBUTION LICENSEES

- | | |
|-----------------|------------------------------------|
| 1113-44-011-006 | Wegmans Food Markets, Inc. |
| 1113-44-014-002 | Trader Joe's East t/a Trader Joe's |

Adopted: June 14, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 14th day of June, 2021.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, Gay M. Huber, RMC, CMC was originally appointed on June 25, 2018 as the Municipal Clerk of the Township of West Windsor effective July 2, 2018; and

WHEREAS, N.J.S.A. 40:69A-38 requires the Township Council to appoint a Municipal Clerk who shall serve as clerk of the Council, keep its minutes and records of its proceedings, maintain and compile its ordinances and resolutions and perform such other functions as may be required by law; and

WHEREAS, pursuant to the provisions of N.J.S.A. 40A:9-133.6, a Municipal Clerk may not be reappointed unless he or she holds a Registered Municipal Clerk certification; and

WHEREAS, Gay M. Huber received her certification as a Registered Municipal Clerk on April 23, 2004.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, that Gay M. Huber, RMC, CMC is hereby reappointed as Municipal Clerk of the Township of West Windsor, and pursuant to the provisions of N.J.S.A. 40A:9-13 shall achieve tenure on July 2, 2021.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Division of Local Government Services, Chief Financial Officer, the Business Administrator and Gay M. Huber.

Adopted: June 14, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 14th day of June, 2021.

Gay M. Huber
Township Clerk
Township of West Windsor

ORDINANCE 2021-12

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 200 OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999)
BY ESTABLISHING A B-2A DISTRICT**

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

Section 1. Chapter 200 of the Code of the Township of West Windsor, Land Use, Part 4, Zoning, Article XXVI, Titles, Purposes, Establishment of Districts; General Conditions, Section 200-142, Establishment of Zoning Districts, is hereby amended by adding after the line “B-2 Business – Neighborhood center business” the following:

B-2A Business – Neighborhood Center Business

Section 2. Chapter 200 of said Code, Land Use, Part 4, Zoning, Article XXVI, Titles, Purposes, Establishment of Districts; General Conditions, Section 200-143, Zoning Map, is amended to read as follows:

The boundaries of said zoning district is hereby established as shown on the Zoning Map, Township of West Windsor, dated _____, and revised through _____, which, with all explanatory matter thereon, is hereby adopted and made part of this Part 4. An official copy of said Map, indicating the latest amendments shall be kept up-to-date in the office of the Land Use Manager for the use and benefit of the public and shall have the most current revision date shown thereon. The Zoning Map for that shall be the official reference as to the current zoning classification of the land within the boundaries of the Township of West Windsor.

Section 3. Chapter 200 of said Code, Land Use, Attachment 9, Zoning Map of West Windsor Township, is hereby amended to change the zoning designation of Block 47 Lots 1, 2, 3, 4, 5, and 6 as well as Block 22 Lot 3.02 to the B-2A District.

Section 4. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 4, Zoning, Article XXVIII, Regulations for Business Districts, Section 200-202.1, B-2A Business District (neighborhood center) use regulations, is hereby created as follows.

§ 200-202.1 B-2A Business District (neighborhood center) use regulations.

- A. Permitted uses. In a B-2A District, no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses, and all such uses shall be subject to the performance standards set forth in Part 1, Site Plan Review, of this chapter.
 - (1) Stores and shops for the conduct of any retail business (including curbside pickup for the sale of items not otherwise prohibited in this section).
 - (2) Personal service establishments (e.g., a tailor, barbershop or beauty salon.)
 - (3) Offices for professional and medical services (e.g., physicians, lawyers or architects); commercial offices (e.g., realtors or travel agencies); and offices incidental to uses permitted in this subsection.
 - (4) Restaurants and neighborhood taverns, including curbside pickup and drive-through establishments.
 - (5) Fast-food operations with or without drive-throughs.
 - (6) Branch banks with or without drive-throughs.
 - (7) Gasoline service stations in conjunction with a convenience store.
- B. Conditional uses in the B-2A District. In a B-2A District, the following uses may be permitted as conditional uses:
 - (1) None.
- C. Accessory Uses in the B-2A District. In a B-2A District, the following uses may be permitted as accessory uses:
 - (1) Off-street parking and loading.
 - (2) Signs.
 - (3) Street furnishings, planters, street lights, and exterior garden type shade structures.
 - (4) Fences and walls.
 - (5) Trash, recycling, and refuse enclosures.
 - (6) Maintenance sheds.
 - (7) Electric vehicle charging stations.

- (8) The sale and exchange of prefilled and empty propane cylinders, as accessory to a gasoline service station.
- (9) Car washes, as accessory to a gasoline service station.
- (10) Air pumps and vacuums, as accessory to a gasoline service station.
- (11) Emergency generators, with an appropriate visual and sound attenuating enclosure.

Section 5. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 4, Zoning, Article XXVIII, Regulations for Business Districts, Section 200-202.2, B-2A Business District bulk and area restrictions, is hereby created as follows.

§ 200-202.2 B-2A Business District bulk and area restrictions.

The following shall be the standards of the B-2A District:

- A. Minimum lot area: one acre.
- B. Minimum lot frontage: 125 feet.
- C. Minimum yards for principal buildings and structures, including canopies for gasoline service stations:
 - (1) Front Yard: 40 feet.
 - (2) Rear Yard: 20 feet.
 - (3) Side Yard: 15 feet.
 - (4) Yards abutting residential districts: The above yards shall be increased by 50 feet in those instances where they abut, whole or in part, a residential district or lot line.
- D. Standards for accessory buildings and structures:
 - (1) All accessory uses and elements shall complement the architectural design style, type, color, and/or materials of the building(s) and the overall project design.
 - (2) Accessory buildings and structures shall be required to meet the front yard requirement for principal buildings and structures as required herein, unless otherwise noted.
 - (3) Accessory structures shall be permitted to have a side or rear yard setback of two (2) feet to adjoining properties located in the same zoning district.
 - (4) Accessory structures shall be required to meet the side and rear yard setback requirements identified in subsection C above if abutting a property zoned or utilized for residential purposes.

- (5) Electric vehicle charging stations, transformers, and other similar utility structures are exempt from the front yard setback requirement.
 - (6) Back-up generators. Permanent back-up generators shall be provided for any gas station/convenience store. Generators shall be tied into natural gas if natural gas is available. Should natural gas not be available to the site, propane generators shall be required.
 - (7) Generators shall be required to meet the front yard setback, unless otherwise appropriately landscaped as determined by the Planning Board.
- E. Maximum FAR. The maximum permitted FAR shall be allowed to vary according to the following schedule.

Uses in	Maximum FAR
One-story buildings	0.18
Multistory buildings	0.20

- F. Maximum improvement coverage: 70%, which may be comprised of a maximum of 55% of impervious surfaces as well as an additional 15% of pervious surfaces.
- G. Maximum building height: 2 ½ stories or 35 feet
- H. Restaurants and banks with drive-throughs
- (1) Minimum distance between any drive-through lane and any adjoining property line: 12 feet, or 50 feet if adjoining to a residential district.
 - (2) For banks, no more than three drive-in teller windows shall be provided.
 - (3) Any drive-through or drive-up window shall have a minimum queuing length of 180 feet from the center of the first service area or window.
 - (4) Access to and from drive-through facilities shall not be permitted onto public streets. Such access shall be provided from the internal road system servicing the development. Ingress and egress points shall be coordinated so as not to impede the main traffic flow required for the development.
- I. Design Standards.
- (1) The B-2A District shall have a consistent architectural theme and traditional village scale matching or compatible with nearby retail buildings, to the greatest extent practicable.
 - (2) Buildings shall be topped with pitched roofs with overhanging eaves or with flat roofs with articulated parapets and cornices, on all sides. Materials on pitched roofs shall be slate (either natural or man-made), shingle (either wood or asphalt composition), or metal formed to resemble standing seams. Roof color shall be traditional and compatible with retail and residential buildings in the area. Solar PV shingles and panels that are

of a compatible or complementary appearance are encouraged. Fascias, dormers, and gables are encouraged to provide visual interest and pedestrian scale.

- (3) Exterior wall materials shall be compatible with newer retail and residential buildings in the immediate area. Brick with limited use of stucco, clapboard, stone or decorative split face block are encouraged. Walls that are mostly limited or void of windows due to interior function shall be designed with a visually interesting pattern, mix of materials, or other treatment to present a finish or appearance that is aesthetically pleasing and complimentary to the front façade.
- (4) Areas of high pedestrian activity shall be differentiated from parking areas utilizing special ground texture treatments which may include brick, stone, cobblestones, patterned concrete or pavers, and other suitable material.

Section 6. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 1, Site Plan Review, Article VI, Design Details, Section 200-27, Circulation and parking, Item B., Schedule of off-street parking requirements, “Drive-in or fast food establishment” is hereby amended as follows. Added text is underlined, and text being eliminated is [brackets].

Drive-in or fast food establishment	[1 space for each 25 square feet of building floor area plus 1 space for each two persons employed therein] <u>1 space for each 100 square feet of building floor area</u>
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Section 7. In the event of any conflict between the provisions and requirements of this section and the provisions and requirements of any other section of this chapter, the provisions and requirements of this section shall govern.

Section 8. 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:
Planning Board Approval:
Public Hearing:
Adoption:
Mayor Approval:
Effective Date: